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THE RELATIONSHIP BETWEEN CENTRAL AND LOCAL GOVERNMENT IN
DORSET, SOMERSET AND WILTSHIRE, 1660-1688.

A Thesis submitted for the Degree of Doctor of Philosophy
at Bristol University.

P.J. NORREY.

This is to certify that this dissertation was researched and
written wholly by the candidate, and was not the product
of any co-operative effort.

SIGNED.....*P.J. Norrey*.....

February 1988.

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SYNOPSIS

This thesis attempts to examine the relationship between central government and local government during the reigns of Charles II and James II. Chapter I considers, in turn, the four most complex areas of this relationship in the years after the Restoration: the setting up of the militias, national taxation, the implementation of religious policy, and the effects of central government interference in the administration of the corporate towns. In contrast to other recent research, the co-operation between central government and the local gentry is found to have been far from successful in producing an effective county-based defence system, or an efficient fiscal machine. The inconsistency of the religious policies of central government was reflected in the sporadic execution of the penal statutes against religious dissenters; and mutual suspicion prevented either the Crown or the local gentry from bringing the government of the corporate towns under their control.

Chapter II shows how the inherent support, which the Crown enjoyed amongst the gentry of the three counties, was mobilised much more quickly and effectively during the political crisis of 1679-81 than historians of central politics generally allow. The almost total purge of opponents from the county benches, which resulted, produced a powerful bond between the Crown and the Anglican-tory rulers of the shires: all forms of dissent (religious and political) were persecuted with vigour, and the personnel of corporation government was finally brought under

royal control. Central government was not noticeably more efficient (with the exception of the revenue service), but its aims and objectives were now both understood and shared by the governors of the counties.

Chapter III shows how the catholic James II destroyed this powerful political inheritance by alienating the very people who had fought so hard for his right to succeed to the throne. He did not realise that their support was given with fundamental conditions attached: principally, the protection of the monopoly of the Anglican Church. The reluctance of the tory gentry to consent to toleration for catholics led to their dismissal in large numbers from the commissions of the peace, the corporations and the lieutenancies, and hence to their support for the invasion of William of Orange.

ACKNOWLEDGEMENTS

The author wishes to record his gratitude to all those who have contributed, directly or indirectly, to the completion of this thesis. The first debt is to my supervisor Dr. Ronald Hutton, whose vivid enthusiasm originally kindled my own interest in the period. He has subsequently provided me with freedom to pursue my studies, and shown total confidence in my ability to produce a finished dissertation, despite my reluctance to show any evidence of interim progress. A great scholarly debt is owed to Dr Andrew Coleby, whose thesis upon Hampshire and the Isle of Wight between 1649 and 1689, completed in 1985, blazed the trail across this particular historical field, and has proved an invaluable stimulus to my own thoughts on the subject of central/local government relations. I must also thank Dr John Morrill, who enabled me to read a paper based on the first chapter of this thesis at the Cambridge Early Modern History seminar in November 1986. Subsequently he invited me to submit a revised version to the Historical Journal, and the resultant article is likely to appear in 1988. The usual thanks must be paid to the custodians of the various record repositories that I have visited in the course of this study. Most have been efficient, some faultlessly courteous. My fellow post-graduates have been an unfailing source of support. Particular thanks must go to Mr Jon Bradbury, and to Mr Bruce Yardley of Worcester College Oxford.

Prefatory Note

As is the usual practice, dates will be given in the old style, with the year commencing on January 1. In quotations, spelling and punctuation have been modified, except in a few cases of ambiguity. Due to the length of many of the footnotes in this thesis, I have chosen to place them at the back of the relevant sections rather than at the bottom of each page. I regret the inconvenience this will cause the reader, but I hope he or she will appreciate that the amount of material contained in these notes, and some of the essential discussion of the sources therein, would have cluttered the already fact-ridden text unnecessarily.

Abbreviations

The following is a short list of abbreviations which appear in the text.

<u>B.I.H.R.</u>	<u>Bulletin of the Institute of Historical Research</u>
B.L.	British Library
Bodl. Lib.	Bodleian Library
<u>C.J.</u>	<u>Commons Journals</u>
<u>C.S.P.D.</u>	<u>Calendar of State Papers Domestic</u>
<u>C.T.B.</u>	<u>Calendar of Treasury Books</u>
<u>D.N.H.A.F.C.</u>	<u>Dorset Natural History and Archaeological Field Club</u>
D.R.O.	Dorset County Record Office, Dorchester
E.	Easter
<u>E.H.R.</u>	<u>English Historical Review</u>

H.	Hilary
<u>H.J.</u>	<u>Historical Journal</u>
<u>H.M.C.</u>	<u>Historical Manuscripts Commission</u>
<u>House of Commons</u>	B.D. Henning ed., <u>History of the House of Commons 1660-1690</u> (3 vols., London, 1983)
<u>L.J.</u>	<u>Lords Journals</u>
M.	Michaelmas
P.R.O.	Public Record Office, Chancery Lane, except classes T and CUST, which are held at Kew.
<u>S.A.N.H.S.</u>	<u>Somerset Archaeological and Natural History Society</u>
<u>S.D.N.Q.</u>	<u>Somerset and Dorset Notes and Queries</u>
S.R.O.	Somerset County Record Office, Taunton
<u>S.R.S.</u>	<u>Somerset Record Society</u>
T	Trinity
<u>T.R.H.S.</u>	<u>Transactions of the Royal Historical Society</u>
<u>V.C.H.</u>	<u>Victoria County History</u>
<u>W.A.M.</u>	<u>Wiltshire Archaeological Magazine</u>
W.R.O.	Wiltshire Record Office, Trowbridge

INTRODUCTION.

In the individual conflict lies the the first reason for those mysterious abstracts...which in our text books are apt to become disembodied concepts. The individual - stupendous and beautiful paradox - is at once infinitesimal dust and the cause of all things.

It was in 1983, while researching an undergraduate dissertation on protestant dissent in Wiltshire after the Restoration, that I first noticed the relative dearth of work on the government of provincial England in the period between 1660 and 1688. The admirable research on the years 1600 to 1660 highlighted this omission, and encouraged me to formulate the research topic which has given birth to this thesis. What attracted my attention, on further investigation, was the lack of detailed research on the relationship between what is now termed the executive branch of government (the Crown, the privy council and the departments of state), and the county benches, the dominant institution of provincial administration. More specifically, my interest focussed upon three questions: firstly, how this relationship functioned between 1660 and 1678 in areas of national importance - defence, taxation, religious policy and the corporations - in short, how the state was reformed in the years after the Stuart monarchy was restored; secondly, what impact the political crisis of 1679-81 had upon local government (more remarked upon than closely studied); and lastly, how James II managed to forfeit the loyalty of the provincial governors by his interference in the government of the localities. This line of enquiry begs many questions about the day to day administration of

the shires by the county justices - the implementation of the settlement legislation, the supervision of poor relief, the growth of petty sessions and the changing nature of the quarter sessions. But as, with the exception of the plague years, central government paid little attention to the routine of county government, clarity dictates that this field of research be excluded from the present study.

The Region

Rather than concentrate on one county, I have chosen to sacrifice depth for breadth and to treat a convenient bloc of counties in the south-west of England. They are convenient for several reasons. The first, and not the least important of these, is their proximity to my research centre at Bristol. Of more academic importance, the surviving records in the three county record offices are good, and complementary (the Dorset quarter sessions records are poor, but the corporation records are excellent, while in Somerset the reverse is true). The region has been very well studied by seventeenth century scholars in a number of different fields. In 1961 T.G. Barnes produced a pioneering county study of Somerset under Charles I. David Underdown has written upon Somerset in the Civil War and interregnum, and has produced a pair of articles and a recent book upon popular participation in politics in the three counties between 1600 and 1660. His detailed treatment of the topography of the region has familiarised those interested in early modern history with the landscape of the west in the seventeenth century, and thus spares this study from undue involvement in geographical description. The

political and administrative scene has been set by Richard Williams' monumental unpublished 1981 Bristol University thesis on county and municipal government in Cornwall, Devon, Dorset and Somerset between 1649 and 1660; and Robin Clifton's recent monograph on Monmouth's Rebellion has also added substantially to our knowledge of the region.

All three counties enjoyed similar experiences during the Civil War and interregnum. Forming a buffer-zone between the royalist strongholds in the far west and the Parliamentary bastion of the south-east, they witnessed much bitter fighting and endured many protracted sieges. The royalist gentry suffered very heavily from the activities of the sequestrators on the county committees, particularly in Somerset and Dorset, where the county gentry was predominantly cavalier. As David Underdown has shown, allegiance among the common people varied from area to area: the Parliamentary tradition in towns such as Taunton, Bridgwater, Frome, Dorchester, Lyme, Marlborough and Devizes was especially tenacious. The Civil War remained central to the political culture of the region long after 1660.

Another characteristic shared by the three shires was the independence of its gentry, and the absence of powerful nobles. The only noble family in Somerset at the time of the Restoration was the Poulets, and it exercised no more influence in the shire than the leading gentry families. The Wiltshire nobility could not command factional loyalty as it had done before the Civil War

(although the pre-war control of the Herberts and Seymours over political life in the shire has probably been over-emphasized). The deaths of William, duke of Somerset, Francis, Lord Seymour and Baron Trowbridge within five years of the Restoration, and the precarious finances of the Tottenham Park family, effectively prevented the Seymours from regaining their former power. Further south, at Wilton, the Herberts were at first compromised by their support for the republic, and further handicapped by the erratic characters of the sixth and seventh earls of Pembroke. Philip, the seventh earl, who married the sister of the duchess of Portsmouth, was addicted to field sports and lavish hospitality. During 1677 and 1678 he spent time in the Tower for blasphemy and other misdemeanours, was found guilty of manslaughter (in a duel), and pardoned by the King. He was lucky to be pardoned a second time, in 1681, when convicted for killing a man at Turnham Green. Only with the succession of the eighth earl, Thomas, in 1683 was the prestige of the family restored. The Digby family of Sherborne should have exercised great influence in Dorset, but the catholicism and the splenetic political-suicide of the second earl of Bristol in 1663 (the ill-fated attack on Clarendon), and later the weakness of his son, John, who succeeded to the earldom in 1679, allowed the chief interest in the county to fall to the commoner Strangways family. The elevation to the nobility of Sir Anthony Ashley Cooper, as Lord Ashley and later the earl of Shaftesbury, did little to eradicate his unpopularity amongst the Dorset gentry. Ashley's power base lay elsewhere. He was regularly worsted by his great rivals the Strangways in the 1660s and early

1670s, and even at the height of his popularity during the Exclusion Crisis he was not followed in any numbers by the gentry of his native shire.

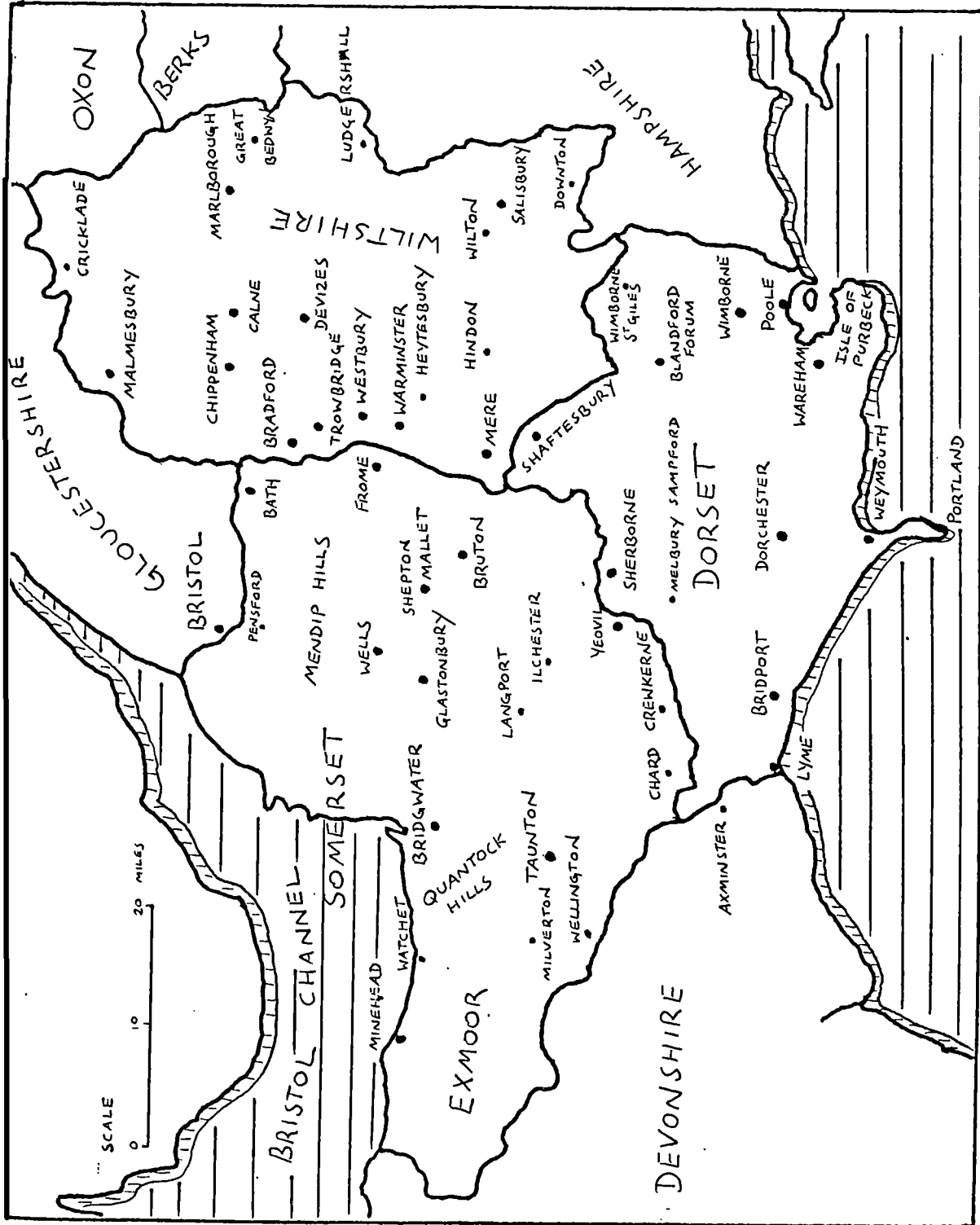
The lack of a dominant nobility had a profound influence on the relations between central government and the gentry administrators of the region. There was no equivalent to the earl of Southampton in Hampshire. Southampton was a native of the county, and lord lieutenant until his death in 1667. He was also a moderate and very well respected member of the privy council, and Lord Treasurer (albeit a pretty poor one). The gentry of the county looked up to him and he was careful to represent their interests at Court. He undoubtedly contributed to the generally smooth relations between the Crown and the Hampshire gentry in the 1660s. He could not fulfil the same function in Wiltshire, nor could the duke of Ormonde in Somerset, nor could Lord Ashley in Dorset.

The lack of noble leadership was not the only explanation of the greater political independence of the gentry in the three counties. Former prosperity had left the region over-represented in the House of Commons. There were seventy seats in the three counties, a number of them already pocket or rotten boroughs. This large number of seats ensured that a high proportion of the area's leading gentry gained direct experience of parliamentary politics. (In the 1670s up to a quarter of the region's justices were also M.P.s) Through a friend or a relative, virtually every member of the county magistracies in the three counties would have had access to first-hand accounts of political developments in the

capital. From the surviving correspondence of the gentry, it appears that such news was eagerly sought after.

Geographically, the three counties are characterized by great diversity. A belt of chalk downland sweeps south-westwards from the Marlborough Downs in the north to the Dorset coast in the south: this was Professor Underdown's 'sheep-corn' country. Northern Somerset and most of northern Wiltshire was 'wood-pasture', dotted with large, scattered parishes, and dependent on dairy farming, and cloth production. The wooded border between Somerset and Wiltshire was also dairy country, and here too cloth was still a very important element of the local economy. South-east Somerset and north and west Dorset, another dairying area, was less reliant on the manufacture of cloth, unlike Taunton, Wellington and Bridgwater, whose textile industries were very much in decline during this period. In central Somerset the fenland Levels provided yet more variation. To the north the Mendip hills, as yet untamed, were populated by lawless lead and coal miners; and in the far west and south-west of Somerset, the Brendons, Exmoor and the Blackdowns were equally wild country. Within the region there were high moors, barren heaths, drowned fenland, old forests, extensive areas of both arable and pastoral farming, industrial activity both in the towns and in the countryside, and busy little ports at Poole, Weymouth, Lyme, Minehead and Bridgwater.

THE THREE COUNTIES



No region is typical of later seventeenth century England. The nation was the sum of its peculiarities. The claim that *can* be advanced for these western counties is that they formed an important part of this sum, both economically and politically, and that their sheer variety guards against this study being of purely antiquarian interest.

The Restoration in the West

The Protectorate, with the exception of the half-cock Penruddock's rebellion in 1655, had been a relatively stable period in the history of the three counties. By the time of its sudden demise, the moderates - presbyterians, crypto-royalists, and pragmatic Cromwellians - had largely replaced the commonwealth radicals, both in active civil administration and in the militias. In contrast, 1659 was a terrifying year for the gentry of the west. The overthrow of Richard Cromwell by the army officers abruptly ended the ascendancy of the moderates. In the summer radicals, old and new, were given command of the county militia forces and there was a drastic revision of the commissions of the peace. More worrying still were the rumours that the much hated and feared Quakers were to be appointed as militia officers and county justices. The west had not yet descended into anarchy, but the autumn following was disturbed time. Irregular troops, raised during the summer to counter the royalist insurrection known as Booth's rebellion, stalked the countryside, barely under the control of their radical commanders (this despite a council of state order to disband such units). The expulsion of the Rump Parliament, and the consequent split in the army high command in

October, intensified the confusion and disquiet in the provinces. There were riots in Taunton calling for a free parliament, and large numbers of volunteers from Wiltshire marched south to Portsmouth to support Heselrig in his bid to restore the Rump. A tax strike in Somerset forced the radical, John Pyne (a presbyterian despite his politics), to pay out of his own pocket for the 1000 troops raised as Monck inched menacingly southwards. Similarly, Wiltshiremen in conjunction with their neighbours in Berkshire and Hampshire resolved, in November, to pay no more taxes, unless levied by act of parliament. More general lawlessness had increased by the turn of the year. A lessee of the sequestered Clarendon Park in south-east Wiltshire complained to the quarter sessions of January 1660 of riots committed there, leading to the theft of much timber.

The re-establishment of the Rump Parliament in February 1660 was not enough to stem the rising tide of dissatisfaction with republican rule. Towards the end of February a royalist rising was rumoured in Wiltshire, and the militia commanders in Somerset attempted to move their forces to the east. However, the pay of their troops was in arrears and their morale was consequently very poor. The tax commissioners appointed by the council of state refused to co-operate with the local officers, one of their number being arrested for obstruction. But the radical army officers were now receiving no support from London and, on the readmission of the secluded members to parliament in late February, they were stripped of their commands, ordered to surrender their arms for safe-keeping, and instructed to release any persons they had

detained. In March new commissions of the peace were issued; and at the same time new sets of militia commissioners were appointed. The justices and the commissioners were mostly moderates, including many of the leading county gentry. The Cromwellians, the presbyterians and even the odd overt royalist now controlled the civil and military government of the western counties. The calling of free elections to a new parliament (although royalists were still officially debarred from standing) finally destroyed the republican cause. Few radicals chose to contest seats in the three counties, and those that did, like Edmund Ludlow, found themselves opposed at every turn and abandoned by their former adherents. One gentleman friend of Ludlow withdrew his support, for he now judged it 'advisable, seeing the torrent was so violent, rather to swim with the stream than be borne down by it'.

The elections confirmed the irresistible force of gentry opinion supporting the return of the monarchy. Presbyterian-royalists dominated the polls in all three counties; substantial men who had fought against Charles I, and in some cases supported the commonwealth, but who now believed that the monarchy was the only institution capable of unifying the nation, and restoring the proper social order. Significantly, a few cavaliers, or sons of cavaliers, were elected in defiance of the Long Parliament's prohibition. The radicals were horrified at the success of the cavaliers and the apostates who now called for the restoration of the monarchy. Lambert's escape from the Tower in April gave them one last hope. Ludlow was to draw together all the loyal army and militia units in the west, and rendezvous with Lambert at Oxford.

His failure highlighted the fragmentation of the radical cause. Support was pledged from north Wiltshire and from Taunton, and it was reported that a large body of men was in arms near Yeovil in south Somerset, but Ludlow's approaches to the regular army proved fruitless. At Shaftesbury he quarrelled with the major of a regiment who had promised assistance: 'though in the condition we were in required us to draw together to defend the public cause... I was not free to engage against others till we had agreed for what'. The majority of west countrymen now focussed their hopes upon the institution of the monarchy: the republicans had no such focus.

In the second week of May the small town of Sherborne in the north of Dorset witnessed a remarkable event. The narrow streets rang to the sound of clattering hooves. Old royalist soldiers, the county gentry and the countrymen from the Blackmore Vale flocked into Sherborne in joyous anticipation. So full was the town that Sir John Strangways, steward of Sherborne castle, in the absence of the exiled earl of Bristol, was forced to read out the proclamation which was the object of all this emotion in three separate places so that everyone could hear. His pronouncement was greeted with wild acclamation. Musket volleys rent the warm spring air. Above the town, from the tower of the old abbey church, four St. George's flags proudly fluttered. Charles Stuart had come into his proper inheritance.

The hours that followed the proclamation of the Restoration in Sherborne saw the celebrations continue unabated. The conduits coursed with claret; free March beer and white loaves were

provided for the poor; flowers and rushes carpeted the ways and alleys; and pretty maids, dressed in white, marched hand in hand to the sound of a beating drum. But this was not only a celebration: it was also an exorcism. In the evening a strange pantomime was enacted by some of the townsmen. A mock court was represented. Present was a grim judge, or Lord President, and various assessors. The Lord Keeper of the liberties of England prayed silence, while an attorney and solicitor general were appointed, and a Grand Jury empanelled. Next the prisoners were brought in, escorted by an armed guard. Standing stiffly in the chilling breeze of a May dusk, Oliver Cromwell and John Bradshaw awaited their trial for treason. They were asked whether they owned the authority of the court, but answered not. Again they were asked, and again they were silent. 'Justice! Justice!' cried the crowd. Gravely the Lord President passed sentence. The prisoners showed little emotion. Then the crowd surged forward, and had to be restrained by the soldiers. The execution itself was a gruesome affair, and when the people had sated their vengeance upon the corpses, little was left but a few whisps of straw, a tattered scarf, and a ragged buff coat.

Sherborne was one of the most fervent centres of royalism in the west of England, but similar demonstrations occurred all over the region. Bonfires illumined the skies of the west, one observer counting 142 from his vantage point in Somerset. However, once the ashes had cooled, and once the hang-overs had gone, it was clear that more remained from interregnum England than a tattered buff coat. For a start, the New Model Army was still in existence, but

when disbanded what would take its place? National taxation was in ruins, how would the new regime restore the fiscal system? The political and religious legacy of the interregnum was no less daunting. The virtual disintegration of the national church had given rise to an unprecedented variety of religious worship amongst the English. How would the re-structured state cope with this diversity? And, finally, what place would there be in the administration of the localities for those who had once sought to destroy the power of the Stuarts? The first chapter of this thesis will attempt to answer these questions and the others that spring from them.

The account of the western counties in the last years of the republic is based upon D. Underdown, Somerset in Civil War and Interregnum (Newton Abbot, 1973), and Revel, Riot and Rebellion (Oxford, 1985); J.R. Williams, 'County and Municipal Government in Cornwall, Devon, Dorset, and Somerset, 1649-1660', (Bristol University Ph. D. dissertation, 1981); J. Casada, 'Dorset Politics in the Puritan Revolution', Southern History, IV (1982), 107-22. S.T. Bindoff, 'Parliamentary History 1529-1688', V.C.H. Wiltshire, V, 111-69. A concise description of the region's topography is to be found in Underdown, Revel, Riot, and Rebellion, pp. 5-8. The description of the celebration of the Restoration at Sherborne is drawn from B.L., Thomason Tracts, E. 183 (17): Mercurius Publicus, 21 (17-24 May 1660). This is mostly reprinted in A.M. Broadley 'The Proclaiming of Charles II at Sherborne', Somerset and Dorset Notes and Queries, XIII (1912-3), 179-181, and cited in Underdown, Riot, Revel and Rebellion, p. 271.

I

THE RESTORATION REGIME 1660-1678.

(1) The Restoration Militia 1660-1678.

(a) The Establishment of the Militias 1660-4.

With the political and financial necessity of disbanding a large standing army, the restored monarchy had little alternative but to turn to the pre-war system of the lieutenancy and the county trained bands to safeguard itself from the threat of republican counter-attack. As control of the armed forces had been at the centre of the political breakdown of 1642, and as there was, in 1660, no statutory basis for royal command over the militia, nor any delineation of the powers of the lieutenancy, there was an awkward period before a permanent legislative settlement could be achieved - an anxious time of nearly two years, during which the future of the new regime seemed far from secure.(1)

Recently the Restoration militia has been somewhat rehabilitated by research done on the counties of Lancashire, Hampshire and Norfolk. In all of these counties it appears that the re-establishment of the militia was conducted with enthusiasm and success by the county gentry.(2) In Dorset, Somerset, and Wiltshire, a rather different picture emerges.(3).

The first step toward reviving the militias was the appointment of lords lieutenant which occurred during the summer of 1660. William, duke of Somerset (erstwhile marquis of Hertford), was put in charge of the lieutenancies of Somerset and Wiltshire.

An active lord lieutenant was a *sine qua non* of settling the militia. He was responsible for nominating and commissioning the deputy lieutenants and officers; conveying to them the orders of the King and privy council; ensuring that these orders were carried out swiftly and efficiently; and, if such action were necessary, commanding and co-ordinating the foot regiments and horse troops of his county in the field. The importance of his role as the figurehead of royal military authority in the shire was all the greater at a time when royal control over the militia was not constitutionally established, and when resistance could be expected. Over the next few years the lord lieutenancy proved a major source of weakness for the militias of Somerset and Wiltshire. In October the duke performed the ultimate act of weakness: he died. Already getting old by the time he left York with a commission of array for Somerset in 1642, he had proved himself an outstandingly moderate military commander during the Civil War.(4) His appointment in 1660 was based on political rather than martial considerations. As a cavalier of unimpeachable credentials he had no social rival in two counties where the paucity of noblemen was so marked. The posting of a dying man, who possessed little military ability even when in rude health, to lead the militia establishments in two large and turbulent counties, was not inspired. In the long run, Dorset was slightly more fortunate in its new lord lieutenant, Charles II's profligate young second cousin, Charles, duke of Richmond and Lennox. Although another absentee, Richmond proved the most energetic of the lords lieutenant in the region during the 1660s.(5)

The second step was the commissioning of the deputies (to serve under the lords lieutenant), who were to shoulder the main administrative burden. For the great task in hand, the number of deputies offered up for the royal approval in the summer of 1660 was inadequate. In August six were nominated for Wiltshire and nine for Somerset, and, some time during the summer, six for Dorset.(6) The lists of deputies were of differing character. That for Somerset was almost a roll call of leading sequestered royalists.(7) Of the nine, only Sir George Horner had fought for Parliament, and he had been hostile to the infamous John Pyne, radical supremo of the county committee, and had opposed the execution of Charles I. (8) In Wiltshire the lieutenancy was very different. Lord Seymour and Sir James Thynne were true cavaliers, but despite his recent return to royalism, Sir Anthony Ashley Cooper's apostasy and commonwealth principles could not easily be forgotten. Another who had graduated to royalism in the 1650s was Alexander Popham, who had been a Parliamentary colonel, and for a long time John Pyne's most influential supporter in neighbouring Somerset.(9) The enthusiasm of the Herbert family for republicanism had been manifested as recently as 1659 by the voluntary raising of a troop of horse at its own expense.(10)

If the political composition of the new Wiltshire lieutenancy was disparate, so was its geographical distribution. Ashley Cooper lived at Wimborne St Giles in Dorset, Edward Hungerford spent more of his time at the family pile in Farleigh Hungerford, Somerset, than in Wiltshire, while Alexander Popham divided his attentions between Littlecote, on the extreme east of the county, and

Hunstrete in Mendip Somerset. The Seymour seat at Tottenham Park was near Marlborough, and that of Thynne at Longleat on the south western border.(11) In other words, the small band of deputies was not evenly spread across the county, but perched around its rim. The Wiltshire lieutenancy was selected purely on the criteria of wealth and status: the six were the wealthiest landholders in the shire.(12) The duke of Richmond's deputies in Dorset were also unevenly distributed, for five of the six resided in the county's eastern division. They too were not entirely of cavalier stock, though more so than their Wiltshire counterparts.(13) In Dorset and Wiltshire there were too few deputies, too widely scattered, and in Wiltshire, at least, there was the potential for political friction.

Toward the end of September 1660, with the meagre harvest gathered in, and the commissioners for the disbandment of the New Model Army hard at work, the Wiltshire deputies began to consider the affairs of the militia. (15) Francis, Lord Seymour, anticipating royal orders, wrote to his fellow deputies, appointing a meeting at the Michaelmas Marlborough sessions. (16) In the event none of his colleagues attended the Marlborough sessions, but a large number of former royalist officers were amongst the justices who did sit, and it is highly likely that they were contacted in order that the county forces could be discussed.(17) An official meeting of the deputies covering the southern and western parts of the shire was arranged for the second week in October at a meeting of the gentry in Devizes.(18) Ashley Cooper, Herbert and Thynne were to meet at the *George Inn* at Salisbury, but

despite advance notification, Thynne did not attend, and his absence prompted disquiet. It appears that the commanders of the county's regiments had already been appointed, and that Herbert's position as colonel of the regiment of the Salisbury division was causing grave concern among the old cavaliers. Henry Coker, a royalist veteran, lamented Thynne's absence, and pleaded with him to attend a further meeting arranged for the following week:

I fear if you are not here, the Regiment that my Lord Herbert have will be all officered by men not of your loyalty...which by your appearance here, none may be presented, and truly all the royal party have had a great eye on your being here... (19).

When the old duke died later in October the royalists were even more alarmed. Richard Davy, captain of the Salisbury company and a victim of sequestration himself, wrote to secretary Nicholas as soon as he heard of Somerset's demise, giving a clear statement of the desires of the local cavaliers:

...all your friends hope there will be a noble true hearted one chose if he can be found in Wiltshire. Sir John Stawell is very fit for Somersetshire and Sir James Thynne for Wiltshire, but Sir Anthony Ashley Cooper is very much disliked for a lord lieutenant. (20)

Davy also pointed to one of the problems which were to hamper the successful administration of the militia in the coming months: the refusal of troopers to take the oaths of allegiance and supremacy.

As the duke lay dead, the privy council sent him a full set of instructions as to the settling of the militia. (21) These instructions required that the deputies meet frequently until the militia was settled, and that, for the time being, the pre-war

rating and assessment system was to be used. All forces were to be armed 'in the modern fashion' and commanded by well affected and experienced officers. In addition, everyone involved in the militias was to take the prescribed oaths. Volunteer troops were permitted to offer their services, but in order that only persons of better quality should be encouraged, horse troops and foot companies were to be limited to fifty members, and the holding of more than one commission by an officer was to be avoided. The soldiers of the militia were to be regularly exercised, they were to monitor the disaffected, and be ready, at a moment's notice, to secure strong-points in the county. The privy council was also to be kept abreast of the proceedings of the militia at regular intervals.(22) This was a lot of work for six deputies to get through.

In Wiltshire, for which the evidence is strongest, the lieutenancy was not up to implementing this programme in the winter of 1660-61. For some unaccountable reason the county was without a lord lieutenant until the beginning of February.(23) Until then the problems mounted. The privy council issued an order in December to Thynne (the sheriff as well as a deputy), in the vacancy of a lord lieutenant, to enforce the defunct Marian statutes against defaulters at musters. This letter was not addressed to Longleat but to the *George*, in Drury Lane, highlighting the problem of absenteeism which afflicted the county lieutenancy in the first two years of Charles' reign. The enthusiasm for militia work, shown briefly in October, had waned once the magnitude of the task became apparent. Most of the small group of deputies and regimental

commanders would rather be at Court soliciting rewards for past services, or shoring up their position against attacks on their former allegiances, than spend endless mornings in draughty provincial taverns attending to the teething problems of the militia. In late November colonel Charles Seymour, resident at St Martin's Lane, was reminded by a subordinate that a particular order was required from him before his own company could be mustered: in the absence of any militia legislation, junior officers were reluctant to act without full authorisation. (25) From later evidence we can only infer that the Wiltshire militia was but half-formed when the news of Venner's rising broke in January 1661. (26)

The belief that the rising was part of a national conspiracy prompted a wave of orders from the privy council to the county lieutenancies. (27) It seems that the Wiltshire response was not entirely satisfactory. A rising of sectaries in the Forest of Dean had caused a panic in Gloucestershire, and large meetings were rumoured in Wiltshire in defiance of the royal proclamation of 10 January, which had forbidden such gatherings. Some units were raised and busied themselves arresting suspects and breaking up meetings, but heavy reliance was put on the volunteer troop raised by the former republican Sir Edward Baynton at a personal cost of £300. (28)

Before the spring the county had a new lord lieutenant, but as in Somerset, where the duke of Ormonde had been appointed around the turn of the year, Wiltshire's commander was an outsider and a busy councillor, Lord Treasurer Southampton. As well as his

Treasury responsibilities, the earl was also in charge of the lieutenancies of Norfolk and of his native Hampshire. He was no more than a nominal lord lieutenant. The Wiltshire militia was very low on his list of priorities. (29)

Once Southampton had been appointed the re-commissioning of all deputies and officers was required. Despite the January scare, little attention seems to have been paid to this detail, with unfortunate results. In early April Sir James Thynne could excuse himself from attending a deputies' meeting at faraway Marlborough by replying to the summons that he had never sought a commission, and, because he no longer had one, he was under no obligation to put public duty in front of his private affairs. (30) Lack of enthusiasm and lack of commissions was a dangerous mixture.

Herbert and Charles Seymour, the two deputies who did meet at Marlborough, agreed that the militia was far from settled. All units seem to have been mustered at some time since the autumn, but the orders promulgated at the meeting imply that the musters had not been well attended, and that those soldiers who had appeared were poorly equipped. The two deputies feared that the results of the spring elections to parliament would retard militia business still further, as most of their number would be required 'to serve the King in parliament'. It was therefore resolved:

That in regard few or none of the deputy lieutenants are likely to be resident...it will be proposed to the lord lieutenant to add one or two more deputies (viz) Sir Thomas Hall, Sir John Talbot and Hugh Speke, or any other whom the lord lieutenant thinks fit. (31)

However, the lord lieutenant had not thought fit to add any more

deputies by September.(32) That he should not do so was surprising, for the militia was again in the political spotlight over the next few months.

The new parliament may have robbed the lieutenancies of their deputies, but in return it restored their legitimacy with the passage of the first Militia Act. In August 1661 another plot scare prompted the council to order the lords lieutenant to settle their forces. Southampton wrote to his deputies telling them that there was no longer any excuse for an unprepared militia:

Though there might be some reasons of delay putting all in readiness upon former letters, the late Act having declared His Majesty's... right to the Militia...it will ill become us to be backward or negligent.(33)

The deputies, in turn, instructed the regimental colonels to order and complete their forces (sufficient proof that this had not already been achieved), and monitor and disarm all suspected persons.(35) They had already communicated their willingness to comply with the lord lieutenant's order, and had given the impression that all was well.(34)

The favourable reports that the lieutenancies awarded themselves have too often been cited as evidence that the forces under their command were well regulated. The few examples of internal lieutenancy correspondence that survive from this period suggest otherwise. In late September Sir James Thynne and Sir Edward Hungerford were desired to inspect the regiment of the Warminster division mustered in the town. Thynne despaired at what they found:

...such clashing between the horse and foot as to the raising of them, so many complaints of persons refusing to contribute and pay the soldiers, of being overcharged (which I conceive you were not wholly free from at your muster), that I suppose it be very proper for us to have one general meeting more of the deputy lieutenants that we might agree a rule to proceed by... .

He suggested that as his division was the most troublesome the meeting should take place in Warminster, but when this request was denied, he refused to co-operate, replying that private business would preclude his attendance at Devizes (the suggested alternative). Hungerford had gone further west, and both colonel Edward Seymour and his deputy, lieutenant colonel Richard Lewis, were away from home, so that none of the four most senior men in the militia of the Warminster division could attend this important meeting. (35)

The disorder in the Warminster foot regiment was not unrepresentative. The horse regiment, potentially the most important of all militia units, was also in a state of confusion in the autumn of 1661. Henry Coker, the highly experienced Civil War veteran and ardent royalist, was now reluctant to have anything to do with the county horse. On 8 October he was summoned to a muster, but refused to attend. He pointed out to the deputies that the commission he held was issued by the late duke. Under this commission he had been in service for over a month, much to his own and the 'country's greater loss'. Despite this, he had been threatened with legal actions, and had only been indemnified by the late Militia Act. He had received no commission from the present lord lieutenant. In the circumstances he did not feel that he could

perform his duties, adding that he had served Charles I as captain, major and colonel, but never without a commission. (36) At Salisbury the city company was not yet completed. When the deputies wrote to the authorities relaying the privy council order to settle all forces, they complained of the delays in raising and arming the troops in the city. (37)

The second Militia Act, passed in the spring of 1662, finally put the militias under permanent royal control, and clarified the rating system, but the organisational problems did not go away. The Act required another bout of recommissioning, which was carried out with no more alacrity in Wiltshire and Somerset than in 1661. The summer of 1662 was a tense time in the west of England. St. Bartholomew's day, when the nonconforming clergy would be turned out of their benefices, was fast approaching. Much evidence was uncovered of seditious talk and plots. (38) It was precisely this kind of unrest that the militias were designed to suppress, but over two years after the Restoration the militias were still not functioning efficiently.

On 7 July Edward Phelps and William Helyar (the former a Somerset deputy, the latter an officer) complained to secretary Nicholas that 'the ill humours that disturbed the kingdom still abound, chiefly arising from remissness about sending the orders for the militia since the late Act'. (39) A few of the Somerset deputies attempted to co-ordinate operations against the factious with their Wiltshire neighbours (and also with the militias of Devon and Dorset). Lord Poulet, Phelps and Sir Hugh Smyth wrote to William, Lord Herbert, informing him of the discoveries in their

county and requesting him to monitor the activities of the disaffected in Wiltshire. (40) Herbert communicated this news to the commanders of the various militia units in the county, but got little response. Richard Davy, captain of the Salisbury company, informed Nicholas that he had been instructed to secure suspected persons in the city, but could not do so because he needed the signatures of two deputies to act, and he only had that of William Herbert. Of the other deputies, he wrote that most of them lived in London 'and say they cannot act without the lord lieutenant's commission'. (41) To be of any use the militias had to respond quickly to the threat of insurrection: such structural inadequacies clearly militated against their ability to do so.

New commissions were not sent down into Wiltshire until late August, and those for Somerset were not received until early October. (42) Although the Crown was more than partly responsible for the disorganisation of the Somerset forces, the King complained to the deputies that he heard of nothing but disturbances from their county, which he blamed on the fact that the militia was still not settled there. (43) In response to these criticisms Ormonde, now in Ireland, substantially increased the number of deputies in commission in the latter part of the year. (44)

The teething problems of the militias continued into 1663. Once more the summer heat produced loose talk and groundless plot scares. On 5 August the privy council issued an order to the lords lieutenant warning them of the danger of rebellion. In view of the apparent seriousness of the situation at least one twentieth part of the militias was to be on foot for the prescribed limit of

fourteen days throughout the following year.(45) Although there were no serious disturbances in the three counties and the King's visit to Bristol and Bath during September passed off peacefully, it does not appear that the militias were responsible for this tranquility. (46) Sir Thomas Bridges (who lived at Keynsham which lies between Bristol and Bath), vice admiral of the county and a deputy lieutenant, believed that despite the appearance of calm the 'old incendiaries' were meeting and plotting. He was convinced that they drew their encouragement from the disarray of the militia in north Somerset. The militia was failing as a deterrent, and Bridges recommended that a troop of regular horse was necessary in the area to quiet the spirits of the 'country people, who are only valiant when there are none to oppose'.(47)

Soon after Bridges' letter arrived in London, the pathetic little episode, known to history as the Farnley Wood Plot, shook the complacency of the privy council, which, after the trouble-free summer, had become sceptical of plot scares.(48) On 2 November the order of 5 August was repeated.(49) The shambolic state of the militia in north Somerset was paralleled in west Wiltshire. Sir Henry Coker mustered his troop of horse on 8 November and found 'both horses and furniture so extreme bad that an officer that ever saw anything of war or discipline be ashamed to muster them'. Many of the horse did not even attend the muster. Moreover, as both Coker and his second in command, William Willoughby, intended to leave for London, the troop was to be discharged and not mustered again until 15 December.(50)

Unfortunately, the worsening state of Charles Seymour's

health is responsible for the lack of evidence on the Wiltshire militia during 1664. In January the order was given to levy the £70,000 p.a. tax for the support of the militias, in the expectation that militia units would again be required to serve for longer than the prescribed two weeks in the year.(51) Edward Phelps was confident that the Somerset militia was settled in February, but in July Sir John Warre was equally confident that it was not. Warre added that he would be forced to rely on the volunteer horse, whom he thought he could raise despite the fact that they were also required to contribute to the militia foot.(52) The unsatisfactory state of the county's militia during the summer of 1664 and growing disquiet amongst the deputies was a direct result of the absenteeism of the lord lieutenant. Edmund Wyndham wrote to secretary Bennet on behalf of his fellow deputies on 15 August:

I did hope before this time there would have been some answer given unto that letter addressed to you and signed by the deputy lieutenants of this county at their meeting at Orchard, in regard it concerned the continuing of our guards by drawing our horse together now, when by Act of Parliament there is an intermission and no obligation of keeping any forces in arms in this time of harvest. And I am a little more troubled that the deputy lieutenants have received no answer, because some of them are apt to believe that the reason why they had no answer to their letter is because they desired for the present supply and payment of the troops to be furnished with some of that money which now upon the month's assessment (the £70,000 p.a. tax) remains in the sheriff's hands, which if made use of was promised to be restored as soon as our horse militia, according to the late Act could be raised upon the county. And although they desired hitherto to take £500, if there should be occasion, yet I am confident they would not have made use of above one hundred pounds, nor to have borrowed that but upon necessity, the refusal whereof (for so they are apt to construe their not hearing from you) begets a little murmur of discontent amongst the gentlemen, that they should be told of danger and wished to put their militia in a posture, and yet not be trusted with a little money. However, my son and nephew

Warre have drawn such horse together as they could, supplying their defects with volunteers and have hitherto kept guards, although it hath been with some extraordinary expense to themselves, of which I thought my duty to acquaint your honour that some course may be taken to satisfy the deputy lieutenants, that they nor the captains may have no cause of discontent or misapprehension because their letter was not answered as expected...I would not have them disgusted, which is the occasion of my giving you this trouble, because it is written with no other intention than to advance His Majesty's service and the desire of continuing a good correspondence between both superiors and inferiors... . (53)

Without Ormonde to mediate, the deputies had to deal directly with the secretariat. The result was that individuals had to bear the cost of raising such troopers as they were able and that the policing of the shire was, for the time being, dependent upon volunteers. The morale of the deputies was further undermined by ignorance of the intentions of central government. There was no Ormonde to dispel their suspicions (quite justified during the second Dutch War) that the Crown was trying to appropriate their militia tax for its own purposes.

The weaknesses of the militias from the Restoration to the eve of the second Dutch War have been examined (as much as the evidence allows) in relation to inadequacies of organisation and of personnel. There is, of course, another side to the story: the resistance put up by those opposed to the militias. The opposition was particularly acute before the passage of the second Militia Act in the spring of 1662. Until the Crown was granted temporary control over the militias by the Act of 1661 criticism came from all quarters. West country M.P.s from differing backgrounds expressed doubts on the propriety of various

aspects of the county forces. Predictably, the presbyterian Sir Walter Erle, member for Poole in the Convention Parliament, was active against the militias in the House, citing examples of the unruly and insulting behaviour of the troopers. He thought it better 'to do somewhat for the good of the people' instead of making them pay to maintain the militia.(54) Another presbyterian, the barrister Henry Hungerford (Marlborough's M.P. in the Convention), attacked the impositions of the lieutenancy, 'averring to his knowledge in some places 2s. 9d. was exacted for each trooper'. (55) Less predictably, Henry Bull of Shapwick, the Anglican M.P. for Wells, wrote in December 1660:

We now have the militia bill under our consideration, and a bill is framing to ascertain the powers that they now that are officers do exercise very arbitrarily...I hope which will produce a limitation to their powers which no man knoweth what it is nor they themselves. (56)

Much more problematical than censorious words from Westminster was the obstruction of those who were disinclined to fulfil their obligations to provide troopers or contribute to the militia rate. The seriousness with which the deputies viewed such recalcitrance is best illustrated by the case of William Strode, a leading Parliamentary officer in Somerset during the Civil War, who had withdrawn from public life after Pride's Purge.(57) Although his son, William junior, had played a prominent part in the opposition to the military radicals in 1659-60, and had been appointed a justice and militia commissioner in March 1660, neither was deemed suitably loyal to hold office after the Restoration. (58)

In October 1660 Lord Poulet and Edward Phelips sent instructions to colonel Will Helyar (in accordance with the orders from the lord lieutenant) to summon, for the speedy completing of his troop, 'these persons underwritten to send in their proportions of horse respectively, well furnished with back, breast and head piece'. (59) One of the underwritten was Strode. The old colonel was rated for two horses, but as two of his sons were also charged, he sent only one horse to the muster ridden by a trusted servant. He wrote to Helyar requesting that the matter of his overrating be discussed at the next deputies' meeting, although he supposed that because of the lord lieutenant's death no militia business would be conducted until the new commissions were sent down. Before he could send this letter, Helyar reacted to his disobedience in not complying exactly with the summons, by sending two troopers to commandeer the requisite steeds.

Strode's awkwardness had been interpreted as a political act. The lieutenancy was not prepared to let him set an example and endanger the satisfactory settling of the militia. In addition, Strode's servant was judged unsuitable because he had fought for Parliament. Likewise, Strode regarded the two troopers sent to collect his horses as totally unfit, arguing that although his servant Courtney had fought for Parliament until 1648, in that year he had joined the royalist Sir Charles Lucas and had fought with him at the siege of Colchester: 'I hope all divisions are better cemented by our Sovereign, than that any person be dismounted without just cause, and unworthy persons set in their saddles'.

No more is heard of the matter until April 1661, when the

same two troopers came to Strode's house at Barrington, bearing a summons for a muster. Strode refused to comply on this occasion, for the troopers had 'so abused my two horses that cost me £33 that when they brought them home were not worth anything but for dog's meat'. Furthermore, he asked for the return of his arms, which the troopers refused to do, and wrote to Helyar advising him that he would make no contribution until the lord lieutenant had arbitrated in the case. Helyar replied that rating was not a matter for himself, but for the deputies, and that he was constrained to abide by their orders. Strode's desire for fair play, or his obstinacy, was now getting him into serious trouble. In September the deputies ordered that the moneys collected by him in the early spring of 1660, designed for the provision of drums and colours for the militia foot, be handed over to them to help supply the great defects in the county foot regiments. Strode refused to send horses and arms to the muster appointed for 6 and 7 September, and so three days later a party of horse under cornet Higdon rode out to Barrington, under orders from the sheriff: none other than Will Helyar. In the great hall at Barrington Strode waved an order from Ormonde at the cornet, who stated grimly that any order from the lord lieutenant could only take effect through the deputies. His orders came from the sheriff and could not be countermanded by the lord lieutenant. Strode was imprisoned at the *George* in Ilchester, and taken before the deputies at Somerton, who signed and sealed a warrant to the sheriff to re-arrest him and his old foe John Pyne:

Whereas John Pyne and William Strode Esqs as persons

disaffected to the present government and such as stand in contempt of present authority are convened before us and... have...confessed the same. And their practice and example being found and to be of dangerous consequence if they are not secured...'.

Despite obtaining an order from Ormonde that he be bailed, Strode was ordered back into custody and summoned to appear before the privy council in January 1662, when he was forced to make a formal submission to the King. (60)

Strode's was by far the most dramatic case of questioning an assessment in the region, but there were many others which retarded the settling of the militias. We have already seen how quarelling over contributions disrupted the muster of the Warminster regiment in late September 1661. Similarly, Charles Seymour and Alexander Popham, the deputies resident in the Marlborough division, had to deal with numerous complaints of overrating, which much delayed the completing and disciplining of the regiment. (61) Meetings had to be arranged for defaulters from various groups of parishes within the division to account for their 'contempt'. (62) Although, by their nature, these disputes became less and less common, especially after the legislation of 1662 and 1663 made the basis of contributions clearer, they did not disappear. Taunton proved particularly obstructive in the payment of militia rates during 1662, and a request was made for troops to be sent into Devizes to facilitate the collection of the rate there. (63)

The unpopularity of the militia was not, of course, confined to the issue of contributions. (64) Even before Venner's rising in January 1661 some militia troops had taken the law into their own

hands, disrupting the meetings of those regarded as religious extremists.(65) The militia played an important role in the implementation of religious policy in the five years following the Restoration. This policy will be discussed at greater length in part (iii), but the special contribution of the militias deserves brief consideration.

It is not the author's intention to deny that in many instances militia officers used their powers to exact revenge on the 'fanatics' and 'sectaries', but it is not sufficient to ascribe religious persecution between 1660 and 1665 merely to the spite of the county gentry. The first thing to bear in mind is that the militias did not act without guidance. We have seen how after the profoundly shocking, albeit small, rising in the capital in January 1661, the lords lieutenant were instructed at regular intervals to put their forces in 'posture' to combat the threat of insurrection. Such orders were received in the west in January and August 1661, July 1662, August and October 1663, and in the summer of 1664. The wording of these documents is important. Religious unorthodoxy was equated with political sedition. Conventicles were regarded as revolutionary cells, and the militias were instructed to assist in their suppression at all times, not just in emergencies.(66) Central government was anticipating the enactment of the penal statutes, every bit as much as the Anglican gentry.

The repetition of these orders and their insistent calls for the deputy lieutenants and militia officers to do their duty must have had an effect on the attitude of those in commission towards the sects, the congregations and, after August 1662, the

presbyterians. An example from Wiltshire in the autumn of 1661 illustrates the conditions which governed the deputies' actions. As we have seen, at this time the deputies were under a lot of pressure. Central government was demanding the settlement of the militia, which for the various reasons listed above was not proving an easy task. At the beginning of September they were told: 'there is much reason for you to show yourselves active at this conjuncture of time...let no signal disaffected person escape you'. (67) Later in the month a very large baptist meeting on the Wiltshire/Somerset border at North Bradley was disturbed by a militia party under a captain Long (probably Henry Long). The soldiers arrested five men (three of them preachers, one the owner of the land and one a stranger who alleged he was from Corpus Christi, Oxford). These five were carried before two deputies on 24 September and imprisoned without bail in the county gaol at Fisherton Anger (then a shanty town on the outskirts of Salisbury). There the four local prisoners were confined in disease-ridden conditions, victims, it seemed, of the lieutenancy's vindictiveness. (67)

Fortunately, we possess not only the petition of the aggrieved preachers but also the papers of the deputy lieutenants relating to the case, which is all too rare. They show that all the officers concerned were following, to the letter, the instructions they had received from the privy council. A large meeting had been suppressed, the 'signal disaffected' (i.e. the preachers) had been arrested, and the deputies had refused bail, 'it being as they thought contrary to their instructions'. The

matter had not been left there. The proprieties of the case were discussed in relation to the privy council orders, and a set of questions drawn up (possibly to be sent to London) as to whether a further order should be obtained from the privy council to confirm their actions; whether the prisoners should be conveyed to London for trial; whether they should request for a commission of oyer and terminer to be sent down into the country; or whether the possession of incriminating letters by William King amounted to treason. (68)

This is an example that we must keep in mind when we read of the gratuitous thuggery of troopers in the pages of Calamy or the petitions of gaol-bound Quakers. In the early years of the Restoration, the questions of security and of religious heterodoxy were genuinely linked. If the Crown was intent on opposing the penal code in parliament, the instructions sent out to the lieutenancies encouraged the harassment of nonconformists. There is the odd case of an officer being chastised for exceeding the powers of the current law in persecuting dissenters, but equally officers and deputies were praised for their zeal in taking up those who fell under the all-embracing term of disaffected. (69)

The unpopularity of the militias in the dissenting communities was so marked that they did not have things all their own way. We have seen how Henry Coker was threatened with legal suits before militia officers were indemnified by the first Act. Thereafter, soldiers sometimes faced physical threat. In 1663 Sir John Warre stationed his horse troop in Taunton in an attempt to prevent the celebration of the anniversary of the lifting of the

royalist siege on May 11. This seemed to have been accomplished and the main body of troops left the town. One soldier, however, remained, waiting for his horse to be shod. As he stood by the farrier's, a passer-by called out to him that he was a 'turdy trooper', to which the militiaman staunchly replied that he was no turdy trooper, but a King's trooper. The townsman was not impressed by this response, 'he did not care a turd for him nor for his King neither'. The soldier's patience snapped and he attempted to arrest the slanderer, at which point, a large crowd 'flocked about'. Assaulted from all sides, he was forced to mount his horse. After a further struggle, during which the mob seized both his pistols, the trooper broke free and galloped out of town pursued by a volley of stones and abuse. (70)

(b) The Second Dutch War.

Not until the Tory Reaction in the 1680s were the militias as prominent a feature in provincial government as they were in the five years following the Restoration. Despite their military shortcomings, the enthusiasm of certain officers, particularly in Somerset, had kept them more than a match for unarmed worshippers, cranks, lone travellers, and ghostly nocturnal horsemen. In late 1664 it became obvious that they may have to deal with a more serious foe - the Dutch. Although not so strategically important as Hampshire, Dorset and Somerset possessed around 120 miles of coastline. How then did they compare with Hampshire, where Andrew Coleby has found that coastal defence was more impressively organised than during the 1650s?(71)

Despite the ordering of the county forces by the lord

lieutenant in 1664 the defences of the Dorset coast were not in a happy state. In the previous year, no doubt on higher instructions, the duke of Richmond had planned to rationalise the existing coastal defences. In June 1663 he made it clear that he wanted to withdraw the small garrison from Sandsfoot castle in Weymouth bay and incorporate it into the county militia. (72) The garrison was provided by the inhabitants of Wyke Regis, a royal manor to the south of Weymouth, who, because of their contribution, were exempt from all county militia rates and taxes. The captain of the castle was Humphrey Weld, a deputy lieutenant. In January 1664 he was petitioned by the inhabitants of Wyke, who begged him to prevent the proposed withdrawal from Sandsfoot, which appeared imminent on Richmond's re-ordering of the militia. The petitioners emphasized that Sandsfoot had long served as their security against invasion: they clearly feared that if they sent troops to the county militia these would not be employed in coastal defence. (73) Weld, who also enjoyed separate jurisdiction of the strategically important Isle of Portland, which adjoined Wyke, took up the cause of the inhabitants and opposed Richmond. For this he lost his post in the lieutenancy. During the following months Richmond took possession of Sandsfoot, taxed the inhabitants of Wyke and Portland (who like their neighbours provided for their own defence and were exempt from county rates), and took an inventory of arms on the Isle with a view to appropriating them for the militia. This he had no right to do, for his writ did not run in Portland. (74) Weld's petition to the King was referred a privy council committee, which reported on 13 January 1665. It recommended compromise. Sandsfoot

castle should be demolished, but Weld should retain his position as lieutenant governor of Portland, which should remain a separate jurisdiction and be exempt from county taxes. Weld should also be reinstated as a deputy. (75)

In part these recommendations were not taken up, for the Islanders petitioned the Crown in October 1665 for exemption from the county militia rate. (76) If they were still paying in 1666 they were certainly not getting value for money. A local man complained to secretary Williamson of the arrangements for the defence of Weymouth and Portland (strategically the most important part of the coast under Richmond's command):

Weymouth and Portland are unable to make any resistance if an enemy should come...all the sea coast is without arms and ammunition, though before these late times every county had a magazine and noblemen and gentlemen arms and horses. There are no arms now except those of the trained bands. The importance of Portland and Weymouth will be found out too late. (77)

This informant was sceptical as to the value of the militia, but it seems that central government itself was far from committed to coastal defence. After all, this was a naval war to be fought to the nation's vast profit on the high seas. It was not the intention of the government that the nation's pocket should be taxed by a programme of coastal fortifications. Incredibly, the defensive works at Poole were actually demolished in 1665. (78) Garrisons in the region, including that at Poole, were in 'great distress' for want of money in the winter of 1666-7, and had to be funded straight from the royal aid in the hands of the county collectors (reminiscent of the much criticised interregnum practice of

decentralised finance).(79) Only after the disaster at Chatham was any serious attempt made to construct defensive works.(80) At Weymouth belated efforts to build a fort did not meet with success. Under instructions from Richmond, George Pley jun., the town's militia captain, called a meeting in the Town Hall to inform the freeholders of the plans. He reported gloomily to the lord lieutenant that he could not start work until he received a formal written order from him, for fear of being sued by those whose lands were to be crossed by the ramparts. Money was also a grave problem. There was no suitable clay in the town. This would have to be brought in from the country on horseback at great expense, but Pley was short of funds. He was willing to contribute himself, and he had also approached the bargemaster, but the town treasurer refused to provide any cash.(81) It was as well for Pley's peace of mind that the war was over in less than two weeks.

Such were the inadequacies of the permanent provisions for coastal defence, but how did militia forces themselves perform during the war? It is unlikely that they were prepared for war. Like Dorset, Somerset still had no county magazine by 1665. Some time in that year Arlington ordered that the balance of the previous year's £70,000 tax be used to provide for the establishment of one.(82) Throughout the war counties reported to central government that their musters were impressive, but they had done so in previous years, and whether these reports carried any more truth now we cannot be sure.(83)

Dorset militia papers that survive from 1666 certainly show lack of preparedness. The county forces were raised early in the

year, and the western regiment was quartered all along the coast from Weymouth to Bridport for fourteen days on the King's command.(84) But to the great relief of the deputies it was soon dismissed, freeing them 'from that great burden which drawing and keeping together of the militia would necessarily bring upon the county'.(85) In late June the privy council, fearing a French invasion, instructed Richmond to put his forces in a posture of defence. A meeting of the gentlemen should be appointed to assign duties, and all units were to be complete. No musters (particular or general) were to be held, in order to save the country from the charge, but the officers and deputies were to choose places of rendezvous, arrange quarters, and tend beacons.(86) These instructions, relayed by Richmond, reached the deputies of the eastern division a week later. It was decided that the militia should be raised, and the quartermasters of the two divisions were ordered to meet at Dorchester. There was though, in the absence of a county magazine, a desperate shortage of ammunition and powder. The eastern deputies requested their colleagues in the west to secure 'what powder Cerne, Sherborne or any of the inland towns affords (and) remove it to Dorchester'.(87) The militia was kept up for ten days, but the deputies reported to Richmond that it was only 'in as good order as could be expected'.(88)

Policing duties were continued during the war, as fears were expressed that the some dissenters would support the Dutch, whose religious beliefs were close to their own; but the period of most concentrated militia activity came after the Dutch raid on Chatham in June 1667.(89) On June 10 the council ordered three Wiltshire

foot companies and a horse troop to march to the defence of the Isle of Wight, where they stayed until late July.(90) Lest we be too impressed by the overall co-ordination of the defence strategy here, it should be noted that the service of these units had still not been paid for by 1676. (91) The same council order required two companies to be placed in Weymouth and a further two on Portland, which 'showed strong resisting courage', when fifteen great ships appeared off the Isle soon afterwards.(92) Two foot companies were placed in Taunton in mid-month, and the Somerset county forces had 'been mustered and appeared cheerfully without excuses' by 29 June, although it appears that the regiments were not kept on foot.(93)

Central government was certainly not confident of the effectiveness of the county militias. In 1666 plans were unveiled to create a 'select militia', a small but efficient force capable of rapid deployment in emergencies, unlike the county forces. Three horse regiments were to be raised using money, which remained unspent from the £70,000 tax, sent in from the counties. In addition seventeen non-regimental cavalry troops were to be formed by influential persons, and put on standby. Important west country commanders, namely the duke of Richmond, Francis, Lord Hawley, and Sir Maurice Berkeley were heavily involved in this scheme. (94) The 'select militia' enjoyed a shadowy existence. It was stood down after the immediate danger of the summer had passed, but reappeared briefly after Chatham. It was bitterly resented by those members of the county lieutenancies who were not involved in it, and the government's attempts to 'embezzle' the militia money, specifically

appointed for local use, were fiercely resisted.

It is probable that something along the lines of the 'select militia' had been contemplated before serious hostilities with the Dutch had broken out. In December 1664 a circular from Bennet was sent out, ordering that the deputies account for all the moneys that had been levied on the £70,000 tax in the previous two years. Any money still remaining in the hands of collectors, receivers or sheriffs was to be called in and put in a sturdy trunk, 'for which there shall be three locks and keys'. This trunk was to be handed over to the governor of the nearest royal garrison or castle, or lodged in a safe place by the deputies, awaiting further order. (95) In March the Somerset deputies returned accounts of the militia tax amounting to over £4,800, of which £435 was uncollected. In the summer they received orders that, as the times were so dangerous, they should send the money for safe keeping to the Tower. The deputies were very suspicious of this order, and not a little annoyed, after the difficulties they had experienced borrowing money from the tax to raise the horse in the previous year. They replied that they could not without great hazard send the money to London. In the end a compromise was worked out. Half the remaining militia money was to be sent to Sir Philip Honeywood deputy governor of Portsmouth, where it would be employed by Bullen Reymes, the commissioner for sick, wounded, and Dutch prisoners. The rest was to be kept by the Somerset lieutenancy. None of this money ever found its way to the Tower. (96)

In addition to their militia duties, the gentry in the maritime counties were expected to make a considerable

contribution to the war effort by impressing seamen. On 30 December 1664 the privy council ordered the impressment of seamen in all coastal counties. Lord Ashley, as vice admiral of Dorset, wrote to the justices, requesting that they supervise this process, drawing up lists of seamen in the various divisions and commissioning masters of the press. One hundred seamen were to be impressed in each of the divisions of Shaftesbury and Blandford, Bridport, Sherborne and Dorchester, and the town and county of Poole.(97) On 14 March the justices in the Blandford division reported that the press was advancing well, despite the fact that 'many of us were absent at London and elsewhere, which has caused backwardness in neighbouring divisions'.(98) By the end of the month the task seems to have been completed, but the supervision of the justices was not altogether satisfactory. Many of those impressed in the Bridport division and conducted to Portsmouth were found to be unfit on arrival. The justices certified that the pressmasters had assured them that all such men were 'counterfeit knaves and very able'. The J.P.s faced additional problems, in that many of those contained in the impressment lists were at sea, or had volunteered for the service, which made their quotas almost impossible to fill.(99)

In Somerset the justices were fully occupied with 'sea affairs' during March.(100) Later in the year Sir John Warre was commissioned to recruit men in and around Taunton to serve in the Tangier garrison.(101) The Crown was aware that the town was economically depressed and that there were many idle hands there, and consequently it was chosen as a recruiting centre. With the

help of other deputies, Warre tackled the task enthusiastically, and although it was an expensive business and the reputation of Tangier was enough to daunt all but the most desperate, 158 Somerset men arrived in Plymouth on 19 December.(102) From the evidence we have, it seems that the gentry performed the unpopular and difficult tasks of recruitment and impressment with reasonable success.

(c) After the Second Dutch War.

In the years after 1667 we have very little evidence upon the western militias. With the war over and plot scares a thing of the past, there was no occasion for the militias to be raised. Problems of organisation were still occurring in Dorset. Richmond's elopement with Frances Stuart in 1667 may have caused his suspension from the lieutenancy, for Hutchins records that Ashley was appointed as lord lieutenant in that year, although Richmond was certainly acting by the beginning of the following year. (103) The commissioning of Sir William Portman as colonel of the eastern regiment in January 1668, just as he was completing the purchase of Brianston, was the occasion of a reordering of that force.(104) When Robert Coker came to review his troop in February he found it impossible to get the deputy lieutenants to agree a place and date 'to set about the business', because they were away at parliament. Clearly the troop was not in a serviceable condition:

It is the more defective in respect diverse poor in my allotment have never appeared, the which if your grace will have them assessed will be exemplary to others, I have herewith sent you the muster list as I found it when you were last at Dorchester...(105).

Coker was probably the most enthusiastic militia captain in Dorset, and we can be sure that if his troop was showing signs of disorder there were others far worse in the county. The militias needed regular attention from deputies and officers if they were to be kept up to scratch. (106)

Even in the early 1660s, when central government had constantly pressured the lieutenancies, there were major deficiencies in the militia forces. From 1667 to 1678 little attention was paid to the western militias by central government. The third Dutch War witnessed almost no militia activity in the region. The only central government initiatives in the 1670s consisted of attempts to recoup moneys from the £70,000 militia tax of the early 1660s. In May 1671 Richmond ordered two of his deputies, Henry Butler and William Okeden, to call to account all those involved in the collection and distribution of the tax in the years 1662 and 1664. At Shaftesbury they met with a Mr King whose account was £260 in arrear, but who refused to pay over the £230 he had collected, saying that it had been spent in his trade. Some receivers did not turn up to the meeting at Dorchester, and so the two deputies requested that Richmond obtain a written order from the privy council, which would give them the authority that they lacked. Their efforts to collect the money revealed an alarming gulf between many of those involved in militia administration and central government. Some of the collectors, they alleged, held 'opinions contrary to the present government', but more serious was the opposition encountered from the deputies of the western division. (107) The suspicions aroused in the days of the 'select

militia' had never been dispelled. It was quite obvious to them that a desperate cash and credit shortage was forcing central government to employ every financial expediency. The deputies met at Maiden Newton in September quietly, but firmly, registered their protest:

Understanding your grace's order to lieutenant colonel Butler and major Okeden to take the accounts and receive money from the collectors for the month's pay, we are earnestly importuned by the officers of colonel Bishop's regiment that your grace will order their colonel to collect the money from the western part of the county under his command that it may be in readiness upon any important occasion without the inconveniency of sending it so far... (108)

Butler and Okeden were still facing resistance in October, when they arrested Mr West, the receiver of the Dorchester division, at Blandford. (109) The leading men of the shire were determined to make life unpleasant for the deputies, who suspected that their post was being stopped and that 'false applications' were being made to the duke on the receiver's behalf. (110) At the end of the year Sir Winston Churchill was appointed to receive all the moneys. By the time he rendered an account for Dorsetshire, in March 1672, £916 of the £1160 outstanding was either in his hands or in Butler's. The remainder was detained by colonel Bishop. (111) How much of this money found its way to London is unclear.

The fate of the militia tax money of the 1660s continued to be a source of friction between central government and the militias throughout the 1670s. In 1674 John, duke of Somerset, lord lieutenant of Wiltshire, carried out an inspection into the county's militia money and found that the receiver Will Levett (a captain in the Marlborough regiment) was much in arrears. (112)

Levett must have passed the blame on to the sheriffs, for in May 1676 the new lord lieutenant, the earl of Pembroke, was instructed to obtain satisfactory accounts from them of the disbursement of the money, the disappearance of which meant that the units sent to the Isle of Wight in 1667 had still not been paid.(113) As late as 1683 a Treasury investigation revealed the vast sums that had been unaccounted for in the western counties.(114)

Apart from these financial wrangles there are very few glimpses of the affairs of the militias in the 1670s. Musters certainly took place, but these were at irregular intervals, and whether proper training was carried out is impossible to say. The Bath company expended £6 8s. on powder in 1669, and a further £6 the following year, but little else in the rest of the decade.(115) The Salisbury accounts from 1674 list the chief item of expenditure as £4 worth of rum.(116). No general muster of the Wiltshire militia could be appointed in June 1676, because Thomas Thynne, colonel of the horse regiment since March, had not yet listed the officers and men of the troops under his command. This was done gradually throughout the summer. (117) No more musters were held until the summer of 1679, when there were several defaulters.(118) The limited evidence we have suggests that the three militias were rather neglected in the years before the Exclusion Crisis. After 1680, when the policing duties of the militias again became important, the records show that musters were more frequent, and that the deputies put greater effort into training soldiers, and required greater expenditure on arms and ammunition.(119)

(d) Conclusion.

The western militias do not compare favourably with those of Lancashire, Hampshire and Norfolk in this period. In the early years a shortage of hard working deputies and the failure, at least in Somerset and Wiltshire, of the lords lieutenant to provide the necessary co-ordination within the lieutenancies, or an effective channel of communication between the deputies and the privy council, seriously retarded the ordering of the county forces. By the time of the second Dutch War shire defence was still not properly organised, and thereafter the waning interest of central government, and resentment in the counties over the attempts to embezzle the militia tax, condemned the militias to a period of neglect. All this should not detract from the value of the policing role of the militias and their importance as a deterrent between 1660 and 1666, which was largely dependent on the enthusiasm of individual deputies and officers rather than overall efficiency of organisation. Company and troop captains, rather than regimental colonels, were the key figures here. At the same time we must remember that the militia was expected to have a serious military capability based on regular training and adequate provision of arms, and that its apologists argued that there was no need for a standing army. The idea of the Restoration militia as an effective national defence force was exposed for all time in the countryside around Axminster and Chard in June 1685. However useful as auxillaries, the militias were incapable of serious front line service.

Footnotes to I. (1): The Restoration Militia 1660-1678.

1. For the tortuous passage of the three Militia Acts 1661-3 see J.R. Western, The Eighteenth Century Militia (London, 1965), pp. 10-15.
2. D.P. Carter, 'The Lancashire Militia 1660-1688', Trans. Hist. Soc. of Lancs. and Cheshire, CXXXII (1983), 155-81. A.M. Coleby, 'Hampshire and the Isle of Wight: the Relationship between Central Government and the Localities 1649-1689' (Oxford D. Phil., 1985), pp. 176-193. 'The Norfolk Lieutenantcy Journal', ed. R. Minta Dunn, Norfolk Record Society, XLV (1977). See also S.K. Roberts, Recovery and Restoration in an English County: Devon Local Administration 1646-1670 (Exeter, 1985), pp. 151-2. A. Fletcher, Reform in the Provinces (New Haven, 1986), pp. 316-348.
3. Less well known studies that point to the inefficiency of Restoration militias: P.R. Seddon, 'The Nottinghamshire Militia and the Defence of the Restoration', Trans. of the Thoroton Soc., LXXXVI (1982), 79-88. P.R. Brindle, 'Politics and Society in Northamptonshire 1649-1714' (Leicester University Ph.D., 1983), pp. 203, 207.
4. Hertford actively commanded the royalists who were ignominiously driven out of Somerset in 1642, but in 1643 he accepted nominal command over his capable lieutenant Ralph Hopton. Underdown, Somerset in the Civil War, pp. 31-8, 48-9.
5. Richmond was among the group of Dorset gentry who presented the loyal address of the county to the King on 12 June 1660. B.L., Add. MSS 46,845G. His main link with the county was his marriage to the daughter of Sir John Rogers of Brianston, who died in 1661. D.N.B., LV, 73-5.
6. Somerset: John, Lord Poulet, Sir John Stawell, Sir George Horner, Sir Henry Berkeley, Sir Thomas Bridges, William Walrond, Hugh Smyth, Edward Phelips, Edmund Wyndham (Two lists were submitted for Somerset in 1660; the second does not include Berkeley). Wiltshire: Francis, Lord Seymour, William, Lord Herbert, Sir James Thynne, Sir Anthony Ashley Cooper, Alexander Popham and Edward Hungerford. P.R.O., SP29/11/185-6. The Dorset deputies of 1660 are not recorded in the State Papers, but there is no reason to believe that any additions had been made to the list of early 1661: Humphrey Weld, John Fitzjames, Sir Gerard Napier, Sir Ralph Banks, Sir George Moreton and [Thomas] Freke. SP29/42/114. Deputies were also nominated for the Isle of Purbeck, an area which enjoyed independent militia status, traditionally commanded by the Lord of Corfe, in this case Sir Ralph Banks: colonel Robert Lawrence, William Okeden, Robert Culliford, George Trenchard, Major John Dolling. SP29/11/160. The small number of deputies should be compared to the multitude of militia commissioners

appointed under the March 1660 Militia Act: Dorset (24 + 11 for Poole), Somerset (56), Wiltshire (44). A Perfect List (London, 1660).

7. J. Batten, 'Somerset Sequestrations during the Civil War', Som. Arch. and Nat. Hist. Mag., IV (1853), 60-77; XVI (1870), 13-14. Underdown, Somerset in the Civil War, pp. 67, 87, 127-8. Stawell estimated his loss at £30,000, and he also suffered long imprisonment. The Walrond family was ruined, and the Phelps' family estate confiscated. Seven of the Somerset deputies had borne arms for Charles I (Hugh Smyth was too young). Bridges was governor of Bath and Edmund Wyndham of Bridgwater.
8. Underdown, Somerset in the Civil War, p. 130.
9. Underdown Somerset in the Civil War, p. 164. House of Commons, III, 263-4.
10. C.S.P.D. 1659-60, 131. Although Edward Hungerford was from a compounding family he had not exhibited a cavalier mentality, House of Commons, II, 613.
11. The other deputy, William, Lord Herbert of Cardiff, was by no means a permanent resident at Wilton House.
12. The incomes of half these deputies are listed in W.R.O., Seth Ward's Liber Notitiae, III, 55: Thynne £6000, Popham £4000, Hungerford £4000.
13. Humphrey Weld (Lulworth), Sir Ralph Banks (Kingston Lacey), Sir George Moreton (Milborne St. Andrew), Sir Gerard Napier (More Crichel), Thomas Freke (Shroton). John Fitzjames lived at Leweston near Sherborne, which is not in the far west of the county.
14. Weld was former cupbearer to Henrietta Maria. Banks' mother has gone down in Dorset folklore as the gallant defender of Corfe castle from the Parliamentary Sir Walter Erle. Sir George Moreton had hoped to retrieve his vast debts by fighting for the King. Sir Gerard Napier changed sides during the war and then dropped out of public life to tend to his estates. Thomas Freke, the step-son, of Denzill Holles was too young to fight in the war or to take part in interregnum government. House of Commons, I, 589; II, 326, 365; III, 109, 127-8, 682-3. Fitzjames a Parliamentary colonel and staunch ally of Ashley Cooper's in the 1650s was very active in the county politics of the late interregnum, see J. Casada, 'Dorset Politics in the Puritan Revolution', Southern History, IV (1982), 107-22.
15. Commissioners for disbanding the army to the Wiltshire commissioners for raising money for the disbandment, 22 Sept. 1660, B.L., Add. MSS 32,324, fo. 62.

16. Francis, Lord Seymour to Sir James Thynne, ?Sept. 1660, B.L. Microfilm, M904, Thynne MSS, X, fo. 41.
17. W.R.O., A1/150/11, Quarter Sessions Order Book 1654-1668, M. 1660. This sessions was attended by eighteen J.P.s, one of the largest gatherings of the period. Those justices with military interest or experience who sat were Henry Coker, Richard Lewis, Duke Stonehouse, Henry Clerke, Sir Edward Poole and Lawrence Washington.
18. Henry Coker to Thynne, 5 Oct., Thynne MSS, X, fo. 43.
19. Coker to Thynne, 9 Oct., Thynne MSS, X, fo. 45.
20. Davy to Nicholas, 29 Oct., B.L., Eg. MS 2537, fo. 231. For Davy's composition see J. Waylen, 'The Wiltshire Compounders', Wilts. Arch. Mag., XXIV (1889), 58.
21. King to Somerset, 30 Oct., B.L., Add. MSS 32,324, fo. 64.
22. It may be that this letter was a repeat of the one expected by Seymour in late September. An identical letter was sent to Somerset in his capacity as lord lieutenant of Somerset dated 1 October, (Nicholas to Somerset), S.R.O., DD/PH/222/61. There is, however, no surviving evidence of such a letter concerning Wiltshire at this earlier date.
23. P.R.O., C231/7, p. 83.
24. Privy Council to Thynne, 14 Dec., Thynne MSS, X, fo. 56.
25. Henry Aydworth to Charles Seymour, 20 Nov., B.L., Add. MSS 32,324, fo. 66.
26. See below, p. 91.
27. The rising occurred on 6 January. Letters were dispatched two days later to the duke of Ormonde (newly appointed lord lieutenant of Somerset) and to Sir James Thynne to disarm those suspected of disaffection, take securities from them and administer the oaths. On 16 Jan. a letter was sent to Somerset which was almost a duplicate of that of 1 Oct., and on 22 Jan. a repeat letter was sent to Thynne commanding the monitoring etc. of the disaffected. R.E. Hutton, The Restoration (Oxford, 1985), pp. 150-1. S.R.O., DD/PH/222/59-60. Thynne MSS, X, fos. 60, 65.
28. James Long to Sir Robert Long, 19 Jan., SP/29/37/87.
29. Southampton remained as lord lieutenant of Norfolk until the autumn, 'Norfolk Lieutenancy Journal', N.R.S., XLV, 9.
30. Thynne to Herbert and Seymour, ? April 1661, B.L., Add. MSS 32,324, fo. 77.

31. Resolutions of Herbert and Seymour, 2 April, B.L., Add. MSS 32,324, fo. 79.
32. SP29/42/63.
33. P.R.O. T51/7, p. 35. Thynne MSS, X, fo. 117.
34. Popham and Seymour to Herbert, 26 Aug., Amos Walrond to Seymour, 1 Sept., B.L., Add. MSS 32,324, fos. 89, 93.
35. Thynne to Seymour, 30 Sept., B.L., Add. MSS 32,324, fo. 119.
36. Coker to the deputy lieutenants at Marlborough, 9 Oct., B.L., Add. MSS 32,324, fo. 131. Coker appears to have been active again in late November. C.S.P.D. 1661-2, p. 153.
37. Alexander Popham to the mayor and justices of Salisbury, undated, W.R.O., Salisbury Militia Papers, G23/1/41. Maurice Green, mayor, to the deputy lieutenants, 9 Oct., B.L., Add. MSS 32,324, fo. 129. The Salisbury company was not part of any of the county regiments, but formed part of the lord lieutenant's guard, a status which was re-affirmed by Popham.
38. Sir Hugh Smyth and Edward Phelips to secretary Nicholas, July 12, Nicholas to Phelips, 14 July, Nicholas to Phelips and Smyth, 20 July, C.S.P.D. 1661-2, pp. 434, 437-8. 443. Two foot companies were placed by Phelips in Taunton, where the populace was particularly mutinous, refusing to pay all rates and taxes.
39. Phelips and Helyar to Nicholas, 7 July, SP29/57/25. Phelips received the reply from Nicholas that he was to continue acting under the former commission. This was scarcely satisfactory to the deputies, who were only too aware of their vulnerability to legal attack. C.S.P.D. 1661-2, pp. 437-38. Ormonde had received his lord lieutenant's commission on 5 June. SP29/64/61 I.
40. Thynne MSS, X, fo. 124.
41. Davy to Nicholas, 15 July, SP29/62/57.
42. Henry Crompton to Seymour, 25 Aug., B.L., Add. MSS 32,324, fo. 143. C.S.P.D. 1661-2, pp. 444, 511. Ormonde had left for Ireland in July.
43. King to the Somerset deputies, 3 Oct., SP44/3, p. 94.
44. In October the number of deputies had been increased to fifteen, and a further four were added in December. Those added since 1661 were Sir George Norton, Sir William Portman, Sir William Wyndham, Sir John Sydenham, Sir Maurice Berkeley, Sir James Thynne, Sir John Warre, Sam Gorges, Francis, Lord Hawley, Thomas Chester, George Speke and Francis Luttrell.

(Will Walrond and Sir John Stawell had died in 1661). SP29/63/58; 64/61. The number of the Wiltshire deputies was increased to eleven in August. The new additions were George Grobham Howe, Sir Thomas Hall, Sir Thomas Escourt, Sir Walter Ernly and John Ernle. SP29/51/59.

45. SP29/78/46. Thynne MSS, X, fo. 132. The lords lieutenant were requested to supplement the normal militia rate with funds from the three year tax to raise £70,000 to support the militias (of 1662), which rested the hands of the county sheriffs. The formula for keeping the militia on foot was prescribed in the second Militia Act. It covered forty weeks and not the full fifty-two. Three months were set aside: to allow for the harvest, and the depths of winter.
46. C.S.P.D. 1663-4, p. 264.
47. Bridges to secretary Bennet, 5 Oct 1663, SP29/81/1. Hutton, The Restoration, pp. 204-5. Angelsey to Ormonde, 13 Oct., H.M.C., Ormonde, III, 91.
48. The Wiltshire militia was raised on 14 October. Foot companies were put into Malmesbury and other towns, and the horse was to be ordered to search the roads of the county for suspects. SP29/81/98, 99. It appears the forces raised in the emergency were dismissed in mid-November, by which time deputies were very concerned at the cost of keeping the troops on foot, believing that even the extra money levied by the £70,000 tax would soon be exhausted. Popham to Seymour, 14 Nov., H.M.C., Third Report, Appendix, Northumberland MSS, p 93.
49. C.S.P.D. 1663-4, p. 325.
50. Coker to Seymour, 8 Nov., B.L., Add. MSS 32,324, fo. 176. The militia of the city of Bristol, which was in the charge of a separate lieutenancy under the command of the duke of Ormonde, was also in a disorganised state in October 1663. SP29/81/92.
51. C.S.P.D. 1663-4, p. 458.
52. Phelips to Williamson, Feb. 6 1664, C.S.P.D. 1663-4, p. 472. Warre to Bennet, SP29/100/82.
53. Wyndham to Bennet, 15 Aug., Carte Papers (transcripts) P.R.O. 31/1/33, p. 324. The occasion of the militia being raised in summer was the dramatic robbery of the Taunton exchequer, which, it was believed, was intended to fund a projected rising. Examinations concerning the burglary, SP29/101/145 I-VI.
54. House of Commons, II, 269-70.
55. House of Commons, II, 617-8. The appropriate charge was 2s.6d.

56. Henry to William Bull, 15 Dec. 1660, Bristol University, Bull/Shapwick MSS, DM 155, fo. 107.
57. Underdown, Somerset, pp. 29-30, 46-8, 61-3, 119, 130, 153.
58. C.S.P.D. 1659-60, p. 379. A Perfect List of all such persons...iustices of the peace... (printed by Thomas Leach, London, 1660), p. 46.
59. The following account is based on the documents reprinted in H.A. Helyar, 'The Arrest of Colonel William Strode of Barrington in 1661', Som. Arch. and Nat. Hist. Mag., XXXVII (1891), 15-39.
60. This warrant was signed by Sir Hugh Smyth, Sir Thomas Bridges William Wyndham, Francis Luttrell, Edward Phelips, William Walrond, and the old Parliamentarian Sir George Horner, who had been a fierce opponent of Strode's over the conduct of the war effort in Somerset during 1643. For Strode's treatment at the hands of the privy council see P.R.O., PC2/55, pp. 443, 485, 510, 513.
61. For specific cases of rating disputes in the north of Wilts. at this time see B.L., Add. MSS 32,324, fos. 95, 98, 100, 102, 104, 114, 119. Particularly interesting are the complaints from members of Parliamentarian families: Sir Walter St. John, Sir Edward Baynton and John Hawkins.
62. Circulars to tithing men(?) announcing a rating meeting at the *Bear* in Marlborough. B.L., Add. MSS 32,324, fo. 97.
63. C.S.P.D. 1661-2, pp. 273, 434.
64. Parsimony was not the only reason for a reluctance to contribute. Even in a well documented case like Strode's the shades of constitutional and political objections to militia rates are not easy to distinguish.
65. A.E.W. Marsh, A History of the Borough and Town of Calne (London, 1903), pp. 173-4, details an attack on Quakers in Calne in the summer of 1660.
66. For example, the privy council order of 5 August 1663 gave instructions that units may 'be employed for dispersing of conventicles...by which means you will always have them in readiness'. Thynne MSS, X, fo. 132.
67. Amos Walrond to Charles Seymour, 1 Sept., B.L., Add. MSS 32,324, fo. 93.
68. B.L., Add. MSS 32,324, fo. 107.

69. Nicholas to Coker, 28 Nov. 1661, C.S.P.D. 1661-2, p. 160.
Nicholas to Sir Hugh Smyth and Edward Phelips, 19 July 1662, S.R.O., DD/PH/222/63.
70. S.R.O., Q/SR/103/15.
71. Coleby, 'Hampshire', pp. 187-190.
72. Reyn...? to Humphrey Weld, 13 June 1663, SP29/75/51. It should be noted that the Dorset coast from Studland to Lulworth was under the control of the separate militia of the Isle of Purbeck, which jealously guarded its rights. SP29/92/31.
73. SP29/90/71. Richmond was in the county carrying out his ordering of the militia in October 1664. C.S.P.D. 1664-5, pp. 37, 44.
74. Petition of Humphrey Weld, 12 Dec. 1664, SP29/449/52.
75. C.S.P.D. 1664-5, p. 109. Unlike Wyke, Portland paid for a garrison of regulars and did not provide the troops itself.
76. C.S.P.D. 1665-6, p. 12.
77. Jo. Kin to Williamson, 1 July, C.S.P.D. 1665-6, p. 487. At the time of the Spanish Armada the town of Weymouth had been provided with sixteen 'great guns and carriages' for its defence against seaborne attack. In 1661 the corporation and inhabitants had petitioned the privy council that these may not be removed, as had been rumoured. Four years later another petition was received from the town, reporting that the guns and their carriages were much decayed and that there was no powder or match in Weymouth. The townsmen desired that they be supplied with necessities so that the guns could be made operable (petition 17 Mar. 1665). The petition was referred to the Ordnance Department, but as the guns were under the direct control of the municipal authorities, central government showed little enthusiasm for their repair. We first hear of powder being provided for the Weymouth battery in June 1667. P.R.O., PC2/55, p. 162; PC2/58, p. 79; PC2/59, p. 451.
78. C.S.P.D. 1664-5, p. 553. Orders were issued by the privy council in February 1662 and again in March 1664 for the destruction of the town's fortifications. The reason given was that the defensibility of the town might serve as an encouragement to the rebellious. Neither of these instructions had been fully carried out by 1665. P.R.O., PC2/55, p.562; 2/57, p. 37.
79. C.S.P.D. 1666-7, p. 492.
80. C.S.P.D. 1667, p. 271.

81. George Pley jun. to Richmond, 12 July, B.L., Add. MSS 21,947, fo. 99. The Pley family were related by marriage to Bullen Reymes, acting vice admiral of the county and a Weymouth M.P., clients of Lord Ashley, and government sail cloth contractors. The Weymouth election of 1667 showed the opposition to them in the town. See below pp. 74-5.
82. Arlington to Sir George Norton (sheriff of Somerset), ?1665, C.S.P.D. 1665-6., p. 171.
83. C.S.P.D. 1665-6, pp. 487, 507, 508, 533, 562. It appears that at this time units of the Somerset militia were moved into Dorset to take up inland guard duties. C.S.P.D. 1666-7, p. 8. On one occasion in 1666 the trained bands are recorded as frightening off a French shallop at Lyme, but the forces on Portland were unable to prevent the shelling of West bay. C.S.P.D. 1666-7, pp. 30, 75.
84. Sir John Fitzjames to captain Grant, 10 Feb. 1666, B.L. Microfilm, M331, Alnwick MSS 550, p. 68.
85. Giles Strangways to Richmond, 7 Feb., Ashley to Humphrey Bishop, Thomas Fownes, George Ryves and Giles Strangways, 8 Feb., William Morrice to Sir John Strode and Strangways, 10 Feb. . D.R.O., Fox/Strangways MSS, D124, Box 255, Militia Correspondence of Giles Strangways.
86. Morrice to Richmond, 25 June, D.R.O., D124, Box 255.
87. Fownes, Ryves and Henry Butler to Strangways, 2 July, Sir John Rogers, Thomas Freke and Fownes to the deputies of the western division, 5 July, D.R.O., D124, Box 255.
88. Strangways, Bishop, George Grey, Fownes and Butler to Richmond, 16 July. D.R.O., D124, Box 255.
89. In August 1665 the lords lieutenant were ordered to monitor the disaffected and assemble the volunteer troops, but not to put the country to great charge. SP44/20, pp. 82-3. C.S.P.D. 1665-6, p.273. C.S.P.D. 1666-7, pp. 465, 488.
90. C.S.P.D. 1667, pp. 167-8, 332.
91. King to the earl of Pembroke, 20 May 1676, SP44/44, p. 30.
92. C.S.P.D. 1667, p. 210.
93. C.S.P.D. 1667, p. 244.
94. Western, Eighteenth Century Militia, pp. 44-7. C.S.P.D. 1667, p. 183.
95. Dated 30 Dec., B.L., Add. MSS 32,324, fo. 193. Orders for the letters to be sent out, P.R.O., PC2/57, pp. 278, 300.

96. Deputy lieutenants to Ormonde, 20 Mar., King to Ormonde, 16 and 19 Aug., C.S.P.D. 1664-5, pp. 261, 520, 524. SP44/22, p. 267.
97. P.R.O., Shaftesbury Papers, PRO 30/24/5/133-8; 7/550-61.
98. Sir Gerard Napier, George Savage, Fownes and Will Skutt to Ashley, 14 Mar., P.R.O., PRO 30/24/7/565.
99. Strode, Bishop, Will. Floyer and Nat. Tyderleigh to Ashley, 24 Mar., P.R.O., PRO 30/24/7/566.
100. C.S.P.D. 1664-5, p. 261.
101. Col. Norwood to Arlington, C.S.P.D. 1665-6, p. 67.
102. C.S.P.D. 1665-6, pp. 69, 92, 95, 107. By the summer of 1667 there were serious problems with the press in Somerset. On 2 July Sir Hugh Smyth and Sir George Norton were ordered by the privy council to investigate a riot in Portbury. The captain of H.M.S. St David had been attacked by 'servants' wielding pitchforks, whilst searching for men impressed for his ship, whom he believed to be hiding in the area. P.R.O., PC2/59, p. 481.
103. Hutton, The Restoration, p. 278. J. Hutchins, The History and Antiquities of the County of Dorset (London, 1861), I, xlv. There is no record of this in the docquet book, P.R.O., C231/7. Richmond resigned in early 1672, and died soon afterwards.
104. Butler to Richmond, 8 Jan. 1668, B.L., Add. MSS 21,947, fo. 167.
105. Coker to the deputies, 10 Feb., B.L., Add. MSS 21, 947, fo. 176.
106. By 1670 the number of deputies had risen quite considerably. In Dorset there were seventeen, in Somerset twenty, and in Wiltshire eleven. The Isle of Purbeck still had its five deputies. SP44/35A, fos. 4, 7, 8v.
107. Butler and Okeden to Richmond, 13 July 1671, B.L. Add. MSS 21, 948, fo. 78.
108. Sir Gerard Napier, Sir John Strode and George Fulford to Richmond, 29 Sept., B.L., Add. MSS 21,948, fo. 100.
109. Butler and Okeden to Richmond, 23 Oct., B.L., Add. MSS 21,948, fo. 116.
110. Butler and Okeden to Richmond, 6 Nov., B.L., Add. MSS 21,948, fo. 120.
111. B.L. Add., MSS 21,948, fos. 147, 168, 172.

112. C.S.P.D. 1673-5, p. 342. After Southampton's death Wilts. had two more outsider lords lieutenant (Clarendon and the earl of Essex), before the appointment of the duke of Somerset in 1672.
113. King to Pembroke, 20 May, SP44/44, p. 30. From time to time in the 1670s Exchequer processes were issued out against Sir Henry Coker to recover moneys, but these, though irritating for Coker, were ineffective. C.T.B., V, 1343-4; VI, 86.
114. C.T.B., VII, 818, 825, 829. The figures covered all three years in which the tax was levied:
- | | | |
|------------------|-----------------------|----------------------|
| Dorset and Poole | Charge £3966 13s. 6d. | Arrear £2777 1s. 6d. |
| Somerset | £8166 13s. 0d. | £2051 13s. 8½d. |
| Wiltshire | £5833 6s. 6d. | £5483 8s. 2d. |
- These figures are staggering. In Wiltshire 94% of the tax was not satisfactorily accounted for. Mr Burgess, Coker's deputy, had absconded with £2421 (and later died), while Coker was still held responsible for £1944. A good deal of this money had not been embezzled, but used by the officers concerned to defray what they considered to be legitimate expenses. In 1669 the earl of Essex had been ordered to search Burgess's house for the missing money, but these investigations were obviously unsuccessful. P.R.O., PC2/62, p. 90.
115. Bath R.O., Chamberlains' Account Rolls 113, 114.
116. W.R.O., G23/1/41.
117. Thynne MSS, XI, fos. 74-96.
118. Thynne MSS, XI, 97.
119. Bath R.O., Chamberlains' Account Rolls 126, 128. W.R.O., G23/1/41, Order of Pembroke to set up another company in Salisbury, July 1682. Orders for two general musters of the Wilts militia in 1680 (July and Sept.) Thynne MSS, XI, fos. 101, 103. For the setting up of a special firing range for the Wiltshire militia at Harnham Bridge (nr. Salisbury), and the encouragement of marksmanship by annual competition, for which col. John Wyndham was responsible see H.C. Brenthall ed., 'A Longford Manuscript', Wilts. Arch. Mag., LII (1947), 10-11.

(ii) The Restoration Tax Machine 1660-1678

(a) Introduction.

The immense popularity of the restored monarchy was soon tested by the implementation of a fiscal policy which, though essential, was counter to the expectations of the majority of its subjects. Although recent studies have differed as to the effectiveness of interregnum taxation, there is no doubt that since the outbreak of the Civil War England had been taxed as never before. New impositions, the Assessment and the excise, had become major grievances against successive regimes. The Restoration, it was quaintly hoped, would signal the death knell of these unpopular taxes; the king would 'live of his own', and the countryside would return to prosperity. It was not long before the countryside was disabused of such notions. The Crown needed a firm financial basis, reliable and regular sources of income. For a start, the New Model Army and the Navy had to be paid off, there was, too, the cost of re-establishing the royal court, and the necessity of compensating those who had been loyal to the Crown in the years of adversity; and this on top of the normal administrative costs of government. If the people wanted a king, they must be prepared to pay for him.

The Convention Parliament and the early stages of the Cavalier Parliament saw the realisation of the dream, cherished since Salisbury's time in the first decade of the century, of settling the Crown revenue in a neat package: a 'Great

Contract', firmly grounded on parliamentary statute. Out once and for all went the clouded vestigial anachronism of the feudal dues. Along with the customs, the excise (on liquors) was continued and, to replace the Assessment, a levy on property was introduced, known as the hearth tax.(1) A.M. Coleby in his work on Hampshire has cited the statutory basis of Restoration taxation as the main reason for its success. In contrast, he portrays tax collection during the interregnum not as a paragon of efficiency backed up by force, but as decentralised chaos, unable to overcome the county's natural resistance to arbitrary impositions. In Hampshire the gentry were far more inclined to co-operate with the government of the restored monarchy, and so the taxes were collected more effectively.(2) Coleby is drawing a marked distinction, crucial to his central thesis of improved efficiency in government after 1660. In the west this distinction is less clear. J.R.Williams is far more sanguine about the interregnum tax machine. He points to consistently high yields, particularly on the Assessment, right through the 1650s, even as late as November 1659.(3) Only when central government itself fragmented did the fiscal machinery in the provinces break down. Although Coleby's indictment is extreme, there is considerable evidence that Williams has over-estimated the success of the interregnum tax machine in the west. The Treasury Books for the early 1660s reveal substantial arrears on the excise, dating from 1657 to 1659.(4) Coleby convincingly demonstrates that during the 1650s central government lost track of large sums of money in the hands of collectors and tax farmers, because it did not employ a central agency of receipt, but

preferred to disburse on the spot, and as need arose, money which had been collected locally. The revival of the Exchequer in 1660 enabled both closer monitoring of accounts and the stricter supervision of local officials. How, then, does the example of Hampshire, where increased central supervision and the co-operation of the gentry was so successful after the Restoration, compare with that of the western counties?

The bulk of the surviving evidence concerns the excise and the hearth tax - the taxes which most closely resemble those levied during the interregnum. The following sections will attempt to show that local support did not facilitate the creation of an efficient revenue establishment in the localities, but that experimentation and constant pressure from the centre were required to overcome inertia, corruption and opposition.

(b) The Excise.

Even before the catastrophic visitations of the plague between 1665 and 1667, the collection of the excise in the west was fraught with difficulties. (5) From the Restoration until Michaelmas 1662 there was an unsuccessful return to direct collection of the tax through centrally appointed sub-commissioners acting in each county. Captain Henry Lester, who operated in Somerset, was typical of these officials in being a staunch royalist and a military man. He had taken part in Booth's rebellion, fled abroad and joined the Court at Brussels. (6) Such men viewed office as a reward rather than a duty and had little or no experience of the arduous business of organising a revenue establishment, nor did many of them have local standing. By

October 1660 the excise in Somerset was 'much out of order': the sub-commissioners had not only failed to co-operate, but one of their number was now imprisoned. (7) Despite a remodelling of the sub-commission, the position had not improved when, in January 1662, the Excise Commissioners presented their general report on the sub-commissioners' management of the tax. (8) The excise receipts from the county had fallen by half, the sub-commissioners were ignoring central directives, not bringing in their accounts, and retaining money for long periods. This, too, was the case in Dorset, where it was further concluded that the revenue was insufficient to support three officers. (9)

While the sub-commissioners were clearly ill-prepared to perform their duties effectively, it is also true that they faced sullen and resourceful opposition from innkeepers and brewers. The excise was not a popular tax, and during 1660 its demise was widely and confidently expected, despite the temporary extensions to cover the costs of the disbandment of the New Model Army. (10) Uncertainty over the future of the tax hindered collection, but the problems did not diminish after the Convention Parliament settled the excise upon Charles by statute. In the early months of 1661 the Dorset sub-commissioners found that 'upon alteration of the law the generality of victuallers refused to compound'. (11) Such recalcitrants could only be prosecuted at considerable personal cost to the sub-commissioners, who regularly petitioned for defalcations to cover their expenses. (12)

By March 1662 the excise was in such a poor state in Somerset and Dorset that Lord Treasurer Southampton issued

commissions to trusted local gentry to audit and examine the sub-commissioners' accounts. (13) In addition, they were to summon the alehouse keepers of their county to appear before them and render accounts of what they had paid to the sub-commissioners between March 1660 and March 1662. Simultaneously, circulars were sent out to the sub-commissioners complaining of their mismanagement, ordering the strict observance of accounting procedures, and requesting the detailed returns of the gaugers, the minor officials who assessed the producers and retailers of liquor. (14) This last direction was probably intended to facilitate the valuation of potential county excise farms, and so heralded the end of direct collection.

In late June the Lord Treasurer and the Chancellor of the Exchequer, Lord Ashley, sent a letter to the justices of every county, signifying their decision that the excise should be farmed and 'in the hands of such as are best known unto the country and so likeliest to govern it to their content'. (15) As salaried officials had proved unsatisfactory, Southampton had turned to the natural rulers of the counties whose local knowledge and influence would reduce resistance and increase efficiency. The justices were asked to meet and recommend men fit to be farmers to the Excise Commissioners; no bias was to be shown, and only those capable of collecting the money and maintaining regular payments were to be chosen. In the meantime, the justices were to spare no efforts in supporting such officers as were engaged in collecting arrears of excise, dating from before or since the Restoration.

Neither of these initiatives was particularly successful.

Less than half the value of the arrears to Michaelmas 1662 was realised. The commissioners for arrears found it difficult to coerce the old sub-commissioners into payment. One of the Somerset sub-commissioners was dead, whilst his two former colleagues, Hugh Stukley and Henry Lester, were still refusing to act together in May 1663. Lester complained that although he had adequately performed his duties for 1661, Stukley's accounts were still incomplete, so that he could neither obtain his expenses of £229 nor retrieve his surety bonds (16). Similarly, in Dorset the death of Richard Betts and the evasiveness of his fellow sub-commissioner, William Danvers, halted the collection of the excise on the account of the half year to September 1662, leaving an arrear of £216. (17)

To recoup some of the losses incurred in Somerset and Dorset the Excise Commissioners accepted proposals from William George and Matthew Coppinger (18). George, from Gloucestershire, had recently undertaken the excise farm of Bristol; Coppinger, who had already acted as a sub-commissioner in Middlesex, was to join the Bristol farm in June 1663 and become renowned for his exploitation of Crown and tax-payer alike. (19)

These two outsiders purchased the right to collect arrears totalling over £700 for a mere £330. Even less progress was made in pressurising the interregnum sub-farmers, many of whom could simply not afford to pay, or could find sufficient excuses for their failings in the troubled times immediately preceding the Restoration. (20)

If the Commissioners found it difficult to claw money back from the past, the first farm of the country excise brought them

little encouragement for the future. The Wiltshire and Somerset farms quickly ran into trouble. John Mompesson of North Tidworth, the Wiltshire farmer, fell ill before his farm commenced at the end of September. His uncle, the county magnate Sir Thomas Mompesson, who had acted as security on the contract, refused the undertaking, leaving the farm vacant. The Commissioners were then forced to lease the farm again at a rent reduced from £2800 to £2500, '*considering the great lapse of time since Michaelmas and the ensuing loss*'. (21) In Somerset one of the two original lessees, Edward Phelps jun. of Montacute, pulled out of the enterprise in early September, giving John Wyndham the task of managing the county on his own. (22) He was not able to organise his establishment by the end of the month, so Matthew Plowman, one of the outgoing sub-commissioners, 'kept all his officers and gaugers on foot, not being superseded until five days after the quarter'. (23) The Dorset farm started more propitiously, but there had been more than a hint of trouble in the selection of the farmers, for one of those chosen by the justices at Shaftesbury had refused to enter into a contract with the other two. (24)

The Commissioners had offered the farms to local nominees, so now the excise, the new hearth duty and extraordinary taxation were all in the hands of the local gentry. This ideal 'country' settlement of revenue collection lasted for less than a year: the Crown could not rely on the provincial governing class to provide a secure financial prop. At best the gentry farmers sold out their responsibilities, at worst the local magistracy actively obstructed the collection of the tax.

The Somerset farm proved too much for John Wyndham. Initially, he let his concession to a London sub-contractor Gifford Bale, a friend of Coppinger's, who as late as 1665 still had an outstanding arrear of £1500 on Wyndham's account. (25) Local control of the farm was completely relinquished in December 1663 when Wyndham's proposal to sell out to another Londoner, George Skipp, was accepted by the Commissioners. Skipp had already joined two local gentlemen in the Hampshire farm. (26) London interests penetrated Dorset in the person of the ubiquitous Coppinger, who sub-contracted from John St Loe and George Stiles. (27) It was only in Wiltshire that county men provided close supervision, but even there one of the farmers was the receiver of Crown revenues, and so a salaried royal official. (28) The gentry had given up the chance to run the excise. It was not forcibly wrested from them; they opted out of the system, leaving the field clear for the financial predators from the capital.

An example of what happened where the Commissioners went against the wishes of the magistracy in appointing the farmers, comes from the city of Bristol, which, although strictly outside the orbit of this study, provides useful insight into the problems which faced the collection. (29) In spring 1663 the farmers petitioned the Commissioners concerning the frauds and abuses of the Bristol brewers. As a result, the local justices received a severe reprimand from Southampton: they had not only failed to assist the farmers in the peaceable levying of the duty, but had 'suffered tumults to be raised upon them in the exercise of their office' (30). Despite this display of annoyance from central

government, the struggle between the farmers and the magistrates continued for over nine months. Southampton intervened again in July, this time rounding on the sheriffs, John Wright and Robert Yeamans. They were accused of repossessing goods delivered in distraint for the excise, 'using more than ordinary violence'. (31) By this time the excise had been subsumed into Bristol's wider political conflicts. Yeamans and the mayor for 1662/3, Sir Robert Cann, known nonconformist sympathisers and opponents of the staunch cavaliers on the aldermanic bench, exploited popular hostility to the tax to gain support. (32) Their implacable opponent Sir John Knight threw his weight behind the farmers, at the same time currying favour at Court by manifesting his concern for the King's revenue. (33) This in-fighting considerably reduced the yield of the tax. The farmers claimed an allowance of £850 on the three quarters to Michaelmas 1663, which represented a loss to the crown of about one-third. (34)

The problems of the Bristol excise did not go away in 1664. Hitherto, the farmers had been the victims, now they were to become the villains. In the summer of 1663 the farm had been enlarged to include George Raleigh, from Warwickshire, and Matthew Coppinger, but this only increased the administrative difficulties. Raleigh and Coppinger soon fell out, crippling the collection. Raleigh petitioned the Commissioners, complaining that Coppinger was detaining excise moneys. This move provoked a swift response from Southampton. Coppinger was suspended and required to produce securities against future maladministration. (35) Undeterred, he had still not paid over the moneys after the first

farm had ended in September 1665. Warrants were duly issued for his arrest in early October. How long he was in prison is not clear, but, although released in the meantime, he was back in gaol in March 1667, when a warrant sent out for his release stated that he and Raleigh were £2,492 in arrears on their rent for the farm. (36) It was a long and excruciating process prizing this money from their grasp. Coppinger was, as we have seen, involved with the excise in Dorset and by 1665 had taken up a similar role in Somerset, so his dispute with Raleigh affected the whole region. (37) Each claimed that the moneys due to the Exchequer were in the hands of the other. Raleigh claimed in addition that Coppinger had undertaken a share in the Gloucestershire farm, an allegation which was strongly and successfully denied. On top of this Raleigh entered a petition against Eleazer Hooke of Bristol, with whom he had contracted to collect the excise arrears in that city. (38) The new Treasury Commissioners quickly lost patience with this wrangling. In September 1667 all those involved in the Bristol excise between 1662 and 1665 were summoned to appear at the Treasury, where they were told that the Lords were not interested in their petty disputes, and were not prepared to arbitrate: the money was long overdue and should be paid in immediately. (39)

The gradual and unplanned substitution of professional outsiders for local gentry did not substantially improve the efficiency of the excise establishment. Popular resistance had not diminished, nor had that of the magistracy. Bristol was not an isolated example of this, for in both Somerset and Dorset there is evidence of the gentry obstructing the farmers. In December

1664 two attorneys in eastern Somerset, one of whom was the steward of the influential Sir George Horner, were imprisoned on complaint of George Skipp, the farmer, for repossessing goods taken in distraint by his officers. Nor were the farmers reliable in their payment of rent once the money had been collected. At a time when the government needed full and prompt remission to the Exchequer it found itself in a series of protracted and costly struggles with farmers and sub-farmers. Raleigh and Coppinger were just two of a number of individuals who held on to their rent money for excessive periods, the most notable of whom was Gifford Bale. (40)

The plague, whose first effects were felt in the concluding weeks of the first farm, further undermined attempts to solve the problems of the tax. The second farm, let for the two and three-quarter years from Michaelmas 1665, was badly aspected from the start. Professor Chandaman believes that the second farm witnessed the extension of London financial interests into Somerset and Wiltshire. (41) In fact, while it is true that Wiltshire passed into the hands of Edmund Warcup from Middlesex, the Somerset excise had been administered by Londoners since 1662, and Dorset's was already run by London sub-contractors, a state of affairs which continued after 1665. The new rents were increased at a time when war and plague were poised to smash the country's slowly recovering economy.

There is no doubt that the farmers faced a difficult task in these years, but their difficulties underlay a reluctance to remit money to the Exchequer punctually, which caused the Treasury

even greater worry. They reasoned, sensibly, that they would be in a far better position to negotiate allowances if the money was still in their hands. Much time was spent during 1667 and 1668 in hard bargaining between the farmers and the Excise Commissioners. In Bristol, two of the three farmers died, leaving Colonel Edmund Chamberlain of Stow-on-the-Wold to continue alone. Although Chamberlain recorded the death toll in Bristol as only seventy-two, he still claimed a personal allowance of £250 on the half year from Lady Day 1666. (42) The biggest loss to the receipt came in Wiltshire. Warcup was originally granted an abatement of £750 in November 1667, on condition that he pay in £500 immediately. He was clearly unsatisfied with this arrangement, for in the following month he petitioned for a further allowance of £900, for which he was prepared to pay in £300 straight away. In the end the Commissioners were forced to accept this settlement. (43)

The troubled middle years of the decade also saw an increase in popular hostility to the collectors. The dire circumstances of 1665/6, combined with localist opposition to the growing number of 'foreign' tax men, induced more and more justices to find against the farmers in excise disputes. Matthew Coppinger, still up to no good, was at the centre of many of these quarrels. As a sub-farmer in Dorset he incurred the anger of one John Cole, who presented the quarter sessions with a list of his misdemeanours. The justices upheld these complaints (under the legislation of 1663) and fined Coppinger £200. He refused to pay this sum, and so Cole was forced to take his case to the Treasury Commissioners.

The Lords were evidently embarrassed by his suit. Legally, Cole was in the right, but to encourage such actions could be counter-productive. Eventually Ashley, because of his local connections, was deputed to arbitrate between the warring parties, the Lords claiming that final judgement was beyond their competence. (44)

George Skipp's long running battle with John Eastmond amply illustrates the conflict between local interests and the revenue establishment. In 1665 Eastmond had compounded with the gauger and collector Anthony Goodson for eight barrels of cider, only two of which were retailed. The following year he produced a further fourteen barrels which, he deposed, were not intended for sale. Goodson, who did not believe that all this cider could be for personal consumption, fined Eastmond ten pounds for not declaring the liquor. Eastmond refused to pay; and so the fine was levied by distraint. At this, the aggrieved cider-maker petitioned the quarter sessions, which found in his favour. Goodson was instructed to return the goods, under the supervision of the nearest magistrate. This had not been done by the following sessions of January 1668, when William Helyar, J.P., was ordered by the court to settle the dispute once and for all. Goodson had no faith in county justice and refused to yield up the ten pounds. However, by November 1668, the distraint had been recovered, for Skipp was complaining to the Treasury of the 'abuses' done to the king's gauger in Somerset by Eastmond. Skipp's motion was successful and a messenger was soon travelling west with a warrant from the King's Remembrauncer for Eastmond's arrest. The unfortunate messenger had a hot reception in Somerset. Eastmond,

feeling justified by the decision of his county sessions, pelted him with stones, and refused to appear in London. (45) The outcome of the case is unknown and, perhaps, less important than the dramatic escalation of such a trivial affair. Concerning just a few barrels of cider, this assessment wrangle lasted over three years, and involved the county bench, the farmer, the Excise Commissioners, and finally the Treasury Lords.

In 1668 the Treasury rounded off a number of internal administrative reforms by changing the nature of the farming system. (46) Sectional farming of the counties was abandoned in favour of a single farm of the country excise run by trustees who apportioned the country into various sub-farms, but were ultimately responsible for payments of lump sums into the Exchequer. Commissioners still retained an important supervisory role but ceased to be so intimately concerned with the details of individual counties; these problems were passed on to the Grand Farmers, as the trustees were sometimes known. In the west the gentry lost all control over the tax when the Dorset sub-farm passed to London business interests. (47)

The Somerset quarter sessions book for this period attests the unpopularity of collectors from other areas operating within the shire. Justices were often requested to implement the settlement legislation to remove officials from local communities. In 1669, the inhabitants of Bruton secured a decision from two magistrates ordering the removal of a sub-officer to his last legal settlement at Hereford. (48) The use of local courts against revenue staff was a continual irritant to the farmers and

an impediment to swift collection. Considerably more than a minor irritant was the massive row that halted the collection in Salisbury. With a large population of wealthy brewers it is surprising that there had not been trouble over the excise in Salisbury before 1669. In January of that year the mayor wrote to the Commissioners listing the complaints of certain brewers against the excise officers in the city. Throughout the next month allegations and responses were circulated among the parties involved. The case, which revolved around three highly technical points, was eventually referred to the solicitor-general, who found on every count against the brewers. The arguments did not stop there however, for on further consideration the whole matter was passed on to the King and Council; a final resolution not being reached until May. (49)

Edmund Warcupp, the Wiltshire sub-farmer, was not alone in finding himself summoned before the privy council to defend his officers from the hostility of local brewers. Colonel Chamberlain, the Bristol farmer, appealed for help to the Council in quelling opposition to his officers in the city. (50) As a result of these problems, both Warcupp and Chamberlain fell seriously into arrears with their rents. Chamberlain was allowed a reprieve, but Warcupp was incapable of recovering the losses of early 1669, and during the summer of that year plans were well in hand to resume direct collection in the county. (51) Despite the experimentation of a decade, the excise in 1670 was still causing administrative headaches. The consent of the gentry classes in a freely elected Parliament was evidently not a guarantee of their

active support for the collection of the tax in their own back yards.

The trustee system was continued after 1671, the farmers changing little. Robert Phelps, courtier brother of the master of Montacute, joined George Skipp in the Somerset concession which was now nominally entrusted to Alderman John Forth. Dorset and Wiltshire were incorporated into a larger farm comprising Hampshire and the Isle of Wight, under the control of Peter Calverd, the rising star of the London excise syndicate created by William Bucknall. But, despite his mounting arrears, Colonel Chamberlain retained the Bristol sub-farm. (52)

The gradual consolidation of farms and the continuity of farming personnel in the west reflects the national trend toward a more rationalised and integrated administration for the tax, presaging Danby's total farm of 1674. At the same time there was continued reform at the centre which brought the farmers under the closer supervision of the Treasury. (53) The stricter vetting of lesser officials at last established a reliable network of gaugers and collectors in the localities, upon which the return to direct collection would be based.

The perennial problem of resistance to the tax did not cease, despite these administrative advances. In early 1672, Calverd reported that one Edward Bamfield had imprisoned and 'abused' his officers in Wiltshire. As late as 1675 there was still fundamental opposition to the tax. Major brewers in Bristol had been consistently defrauding the excise by the practice of 'converting small beer into strong beer after the gauge is taken'.

Danby directed the mayor and magistrates to give special attention to the information being prepared by the excise officers, and to assist them in entering all places belonging to persons chargeable to the excise (54). Even more worrying than the Bristol fraud, was the outbreak of 'riotous and tumultuous assemblies' aimed at disrupting the excise in Somerset. Danby wrote to the Western circuit assize judges in July, exhorting them to resolve this problem immediately. There was evidence that the disturbances were countenanced and, perhaps, encouraged by members of the county bench. The judges were to take particular care in informing the justices that the 'king had an account of the persons among them that have been secret fomenters and encouragers of the people herein, whereof, unless the matter be speedily amended, he will hereafter take a more severe course'. (55) The names of these malignant justices do not survive, but the fact that no J.P.s were ejected from the bench at this time indicates that, whoever they were, they took the threat from the top seriously. (56)

(c) The Hearth Tax.

Of all the Restoration taxes the most unpopular was the hearth tax, a direct property tax consisting of a levy of two shillings upon every hearth. Its introduction in 1662 saw the completion of the system of locally administered taxation; for the responsibility for its collection was to be borne by the established officers of county and parish government. Petty constables assessed contributions in their parishes, and collected

the money, whilst the high constables acted as intermediaries, receiving money from the parishes and remitting it to the high sheriff, who acted as receiver for the county. (57) As with the excise, the justices of the peace were expected to provide unswerving support for these officers, and, like the excise, the local administration of the tax failed miserably.

The weight of the responsibility placed on untrained, poorly rewarded parish officials, who were obliged to levy the full rate of the tax on friends and neighbours, proved too much. The first account of the tax (for the half year to Michaelmas 1662) gave due warning of the sluggishness of this local collecting machinery. One-third of the amount due from Somerset remained unpaid by the summer of 1663, and no money at all reached the Exchequer from Wiltshire before July of that year. The impermanency of the tenure of the local officials added to the problem. Ex-sheriffs were trying, as late as 1665, to coerce ex-constables to collect or yield up moneys due from 1662. When these first accounts from the three counties were finally declared, between December 1664 and June 1665, they contained large sums still listed as 'arrears on constables'. (58) The chaos of 1662 was compounded by the succeeding accounts, for the full year to Michaelmas 1663 and for the half year to Lady Day 1664. In some cases arrears seem to have been passed on to the following account, but this served merely to increase the pressure on individual sheriffs. (59)

The Wiltshire sheriff for 1662/3, Sir Henry Coker, the busy militia captain, became the principal local victim of the tax. As receiver for the full year to Michaelmas 1663 he was caught

between the insistent fiscal demands of the Crown and the inability of minor officials to cope with these demands. He had managed to forward less than seventy per-cent of the money due on this account by February 1666, and although the account was declared at the Exchequer during that year, the Treasury Commissioners (who replaced the ineffectual Lord Treasurer Southampton on his death in 1667) were unsatisfied when they discovered in 1668 that his remission to London had fallen short by £777. Coker was subsequently forced to arrange for the collection of this arrear, of which he managed to realise £507. (60)

The poor performance of the Wiltshire sheriff is easily explained. The root cause was not lack of zeal for the royal interest, but the multiplication of his duties during 1663 and his inability to cope with the financial burdens that these duties imposed upon him. As well as the hearth tax, he was responsible for the supervision of the £70,000 militia tax, he had a horse troop to command, and, as sheriff, he was expected to accompany the King on his visit to the west, which lasted for the whole of September 1663. This last required that he provide and maintain forty men in livery at a personal cost of £600. In the 1670s, when the Treasury was pursuing him for the missing militia money, he alleged that this charge had cost him the inheritance upon which his fortunes depended. (61)

The example of Wiltshire's unfortunate sheriff identifies the weaknesses of their administration of the tax and explains why, in 1664, the decision was taken to nominate specialised receivers in each county. (62) These receivers were given no extra powers. They

could neither forcibly enter premises, nor distrain goods from defaulters, without the presence of a constable. The new assessment, for which they were ultimately responsible, still had to be enrolled at the quarter sessions, and the county justices remained the arbiters in assessment disputes.(63) This division of authority, enshrined in statute, was a constant source of contention between justices and receivers.

Because of their lack of powers, the new receivers found it even more difficult than their predecessors to coerce parish and hundredal officers. In November 1665 Southampton and Ashley issued a circular to the justices of every county. The letter contained the Treasury's complaint that the receivers were being obstructed by justices who seemed more disposed to be kind to their neighbours than to the Exchequer. The J.P.s were ordered to put their duty to the state before their desire to court local popularity. They were also ordered to ensure that the constables spare no effort in assisting the receivers, many of whom were finding the physical strain of the job too great, because they 'must attend every house an hour before they are paid'. The justices were to meet, discuss the problems of the tax in their county, make provision for the remedy of these problems, and report on their proceedings to the Treasury.(64)

Although no records survive of these meetings, the Somerset justices immediately issued an order on behalf of the county's hapless receiver, Robert Challoner. The high constables were instructed to act swiftly on receipt of a precept from Challoner, containing directions for the petty constables and tithingmen to

collect all outstanding arrears and remit the revenue with all possible haste. Ominously for Challoner the next order of the justices concerned the provision of relief for the plague-stricken community of Bedminster. (65) The physical disruption caused by the plague hit the hearth tax hard. At the same time, the tax faced competition from the various county rates levied for the relief of communities afflicted by the epidemic. These rates were considered of far more immediate concern by the local magistracy, but even so were rarely collected satisfactorily. (66) At the county level the hearth tax commanded little sympathy in the plague years.

In these straightened circumstances it is not surprising that the receipt suffered further. John Escourt, the Wiltshire receiver, died, passing the responsibility for the tax to his widow and executrix, Sarah. She, though assisted by her brother-in-law Sir Thomas Escourt, struggled to clear her account by January 1668. In so doing she was forced to negotiate an allowance of £1200 on the £5600 due. Captain Challoner was summoned to appear before the Treasury Lords on at least three occasions between 1667 and 1671 to explain the shortfall on his account, and Robert Napier, the Dorset receiver, was prosecuted in King's Bench for non-payment of his arrears. In Bristol the excise feud between Raleigh and Coppinger spilled over into hearth tax collection. Both were summoned by the serjeant-at-arms and castigated for letting their squabble prejudice the revenue. (67)

When it became clear that the receivers were even less reliable than the sheriffs had been, the government was faced with a serious problem. The yield of the tax had been mortgaged to the

City in lieu of loan repayments (in most cases the receivers remitted their hearth money directly to the City Chamberlain, Sir Thomas Player). The Dutch War had vastly increased the government's need for credit, yet it now faced the possibility of alienating its most important creditors, because of its administrative inefficiency. The neat resolution of this problem was the farming of the tax to City interests, which commenced at Michaelmas 1666. A triumvirate of merchants, backed by financiers, put up the capital for this scheme, dividing the country into various sub-farms, much as the trustees were to do with the country excise. (68)

The contracting out of such a comprehensive and unpopular tax was greeted with fierce opposition during the three abortive years of the farm's existence. This was especially so in the west, where the greater zeal of the collectors appointed by the farmers aroused universal suspicion of malpractice and illegality. The reluctance of the justices to support collecting establishments run from London further impeded the farmers. In November 1666 the hearth tax collector in Marlborough was assaulted by one James Elliot, who successfully rescued a distraint made by the official. The collector was badly hurt, and a relative of Elliot threatened to throw him through a trap-door. John Hirst, a magistrate in the town, offered little help. In addition, eighty householders liable to the duty were refusing to pay, shutting their doors against the collector. The collector's only remedy was to write to the privy council, which ordered the mayor to investigate these allegations. The following March two members of the gentry were summoned before

the Council for assaulting a collector at Pewsey. In the same month the Council learned that officers collecting the tax in Weymouth had been several times attacked and threatened with death 'by a company of people in a riotous, tumultuous manner assembled'. These attacks were, it was alleged, orchestrated by a Mr Pinson, who had further encouraged townsmen not to pay the tax. (69)

The Treasury tried to combat the resistance of the county benches to the farms in June 1667. The Commissioners dispatched a circular, the contents of which were recorded in the Wiltshire quarter sessions order book. (70) The tone was more insistent than in Southampton's letter of 1665. The Treasury now accused the justices of actively encouraging violent opposition to the tax. The Commissioners had evidence that the justices were deliberately spreading rumours that the farmers were forcibly exacting money, ignoring legitimate certificates of exemption, and levying the duty upon hearths that were not legally chargeable. An appeal was made to the gentry's patriotism and also to their class insecurities:

That we are almost at a stand to consider how such things can be acted under a settled and quiet government, or how persons entrusted with part of it can think their own concerns will long be quiet when His Majesty's revenue cannot peaceably be collected, especially in this age, when too lately under the covert of such disorders...there grew up factions which overturned all that was settled.

Justices were again instructed to perform their legal duties in supporting collection of the tax. By way of encouragement, the circular clarified some of the existing ambiguities concerning

liability and exemption, and also laid down procedures for collection, designed to improve the image of the tax. Collectors were to give due notice of their visits to communities by setting up placards in the market towns of every hundred, listing dates and times of collection. The county J.P.s were also provided with a list of all legitimate hearth tax officials, so that there could be no doubt as to the identity of the 'chimney men'. Finally, every effort was to be made to eliminate the distinction in the popular mind 'between the duty in His Majesty's hands and in a farmer's'.

We have no evidence on the implementation of this programme, but the hostility to the tax in the three counties was unmitigated. In September 1667 Bevis Lloyd, the Somerset sub-farmer, reported a riot against collectors at Taunton, in which one of his officers was seriously injured. The 'tumults grew to that height that they could not be suppressed by one of His Majesty's justices with the assistance of the constables and the tithingmen'. The county J.P.s were ordered to carry out a full investigation at the following quarter sessions. (71)

Opposition rose to a crescendo in early 1668. The magistrates of Salisbury and Bristol clashed with the farmers, who accused them of signing too many exemption certificates. The Treasury Lords ordered the mayor of Salisbury to carry out an examination of the validity of the exemption certificates signed by city justices. Similar orders were sent to Bristol, but the mayor replied with an extensive list of complaints against the farmers. (72)

The worst incident occurred at Bridport in

February. Here the advance warning of the collectors' coming enabled the 'rabble' of the town to organise resistance. When the collectors arrived they were pursued through the streets by a large crowd of men, women and children. The mob pelted the unfortunate officials with rocks and stones, hitting one of them, Robert Knight, who subsequently died of his head injuries. The government informer reported that 'there was little appearance of the magistracy to quell (the rioters)'.(73)

On 26 February the case came before the circuit judges at the Dorchester assizes. Several of the transgressors were indicted, although some of them had escaped, and many others 'were suspected but not yet discovered'. The trial was deferred to the next assizes. In the meantime seven local justices, a county coroner, and the bailiff and justices of Bridport, were to meet, enquire into the murder, and bind over any they believed to be involved.(74) Despite the intervention of the judges, Richard Baddeley, the sub-farmer, had to prosecute the case at his own cost. This proved a long and tedious process, and for his pains Baddeley was not remunerated until 1676.(75) Two days before the Dorchester assizes a 'notorious riot' was committed upon the the hearth tax collectors at Wellington in western Somerset (which like Bridport was economically depressed). Again, it seems that the local law officers did little to protect the collectors, for the panel of six county justices, appointed by the judges to investigate the case, were instructed to commit them for negligence.(76) When Bevis Lloyd was summoned to appear at the Treasury Board to explain the backwardness of his payments to the

farmers general, he justly pointed out that his officers were regularly subject to attack, and that one of them had been seriously wounded.(77)

The result of this widespread opposition was the collapse of the farm in 1669, and the non-collection of the tax for a year. It is interesting at this point to reflect upon J.R. Williams' assertion that the interregnum tax machine only ground to a halt when central government itself fell apart.

The Treasury took the opportunity of *this hiatus to return* the tax to direct collection, setting up the Hearth Money Office to provide specialised supervision. Two salaried agents were appointed to vet and monitor the new county receivers, who were entitled to an increased poundage of 12½% on collected revenue. (78) The new agents certainly did their job. During 1670 the receivers of both Somerset and Wiltshire were dismissed. In the following year their replacements were summoned to the capital to receive sharp reminders of the required rate of remission. Richard Churchill, the Somerset receiver (whose establishment was composed entirely of west countrymen), was put on his mettle by a signed warrant from the King for a Mr Barnwell to replace him. This the agents used as a threat rather than a punishment.(79) Tighter central control combined with increased rewards for local officials slowly improved the reliability of the establishments in the counties. From 1670 to 1674 the punctuality of payments into the Exchequer was far superior to anything previously achieved.(80) Despite continued unpopularity, the tax was at long last less trouble than it was worth; but for this little credit

can be given to the local gentry.

(d) Extraordinary Taxation and the Customs.

Although the county gentry proved incapable of running the excise and the hearth tax in the localities, they played an important role as parliamentary commissioners for the numerous grants of extraordinary taxation between 1660 and 1678. (81) The activities of the commissioners are not well documented, but it seems that enthusiasm for the collection of these taxes was not universal. Sir Thomas Bridges from northern Somerset, unlike most of his colleagues in the three counties, was a keen supporter of all taxation, which he believed essential to the maintenance of royal government: 'no security can be expected while the Exchequer is unfurnished'. (82) Over three years later Bridges was very concerned that the collection of the poll tax granted in 1666 would be obstructed by 'some brethren of a new separation that court an airy popularity by decrying taxes'. (83) But his is a lone example. In early 1664 John Randell, who regularly acted as receiver for extraordinary taxes in Dorset, wrote that he was having to convince the local M.P.s of the necessity of voting for the proposed royal aid. (84) In Wiltshire the commissioners of the royal aid quarrelled, in a dispute reminiscent of the 1630s. They could not agree to a meeting place to decide the proportions to be levied on the eastern and western halves of the county. It required nine months and the intervention of Lord Ashley before this squabble was settled. (85) Sir John Fitzjames, a Dorset commissioner, expected so few of his colleagues to attend a rating meeting at Sherborne that he conscripted a relative 'to share with

us the discharge of the work'. Fitzjames later wrote to a diocesan official in Salisbury: 'God send us peace and that the King may need no more royal aid'.⁽⁸⁶⁾ In 1677 the collection of the ship tax in the Warminster division of Wiltshire was threatened by a disagreement among the commissioners as the appointment of the clerk of the tax. Two of the commissioners used this occasion to push the claims of their respective employees for the job.⁽⁸⁷⁾

Much more important than the commissioners were the county receivers, whom they appointed. These were generally minor local gentlemen, who were involved in some other branch of the revenue (such as the receivership of Crown revenues). The same problems were experienced with these officers as with their colleagues in the excise and the hearth tax. The Somerset receiver for the month's assessment of September 1660 had still made no payments to the Exchequer by June 1661.⁽⁸⁸⁾ In October 1663 the commissioners of the eighteen months' assessment in Somerset were ordered to investigate the arrear of nearly £10,000 which lay upon their county. They were to call to account the receiver and the high and sub-collectors.⁽⁸⁹⁾ Substantial arrears still remained on the Wiltshire royal aid in 1667. The receiver, William Levett (whose administration of the militia tax came under scrutiny in the 1670s), was in trouble again in August 1668. He had been ordered to send up the money due from the eleven months' assessment, but when the wagon arrived from Wiltshire there was no money or bills from Levett. A note was added to send for Levett immediately, and to dismiss the conductor of western wagons at Michaelmas.⁽⁹⁰⁾ One

year later letters were sent to the receivers of Somerset and Dorset. John Trethewey of Somerset was £7,556-0s.-7d. in arrears on various taxes. Randell still owed money amounting to £3915-19s.-3d. on the royal aid, the additional aid and the eleven months's assessment.(91) Trethewey did not clear his account for over a year, partly because he was intent on negotiating an allowance for transporting the money to London.(92) In May 1670 Randell was still over £600 in arrears, but, as was not uncommon, a good part of this debt was the result of disbursing money locally for 'His Majesty's extraordinary service'.(93) Once again, we are left with the impression that it was not the spontaneous co-operation of provincials, but remorseless pressure from the Treasury in the years after 1667, that brought about the gradual improvement in revenue collection.

The trading depression, which was scarcely over by the time war broke out in mid-decade, limited the value of the customs to the Crown in the early years of the reign. The farming of these revenues, which lasted from 1662 to 1671, appears to have worked reasonably well, although, because of the nature of the customs, its efficiency is impossible to quantify. Given the expansion of trade after the end of the second Dutch War, farming the tax for a rent fixed in advance was no longer satisfactory. When negotiations with the farmers broke down in 1671 the decision was made to return to direct collection.(94) The establishments run by the farmers were inherited, and relatively few personnel changes were made in the 1670s.(95)

Despite the attentions of the riding surveyors, the customs

establishments on the Dorset coast were far from trouble-free. Remittance from the ports of Weymouth and Poole was badly affected by a dispute between the government and the Pley family. George Pley, (after the death of Bullen Reymes in 1672) the deputy vice-admiral of the county, was collector at Poole, and his son, George junior, collector at Weymouth. As has been noted, the Pleys were naval contractors. The stop of the Exchequer in January 1672 (the ultimate result of the fiscal inefficiency of the 1660s) cost them dearly. Having tried by legitimate means to recover their losses, they resorted to withholding customs' moneys, and by the end of the decade they had detained over £4500. Lengthy suits were in progress against both the Pleys and their securities, but, in the meantime, their suspension from office had caused disruption in the two establishments. (96)

In 1678 the three year prohibition on French trade necessitated measures to combat smuggling. Special investigations at Poole and Lyme carried out by commissions comprising customs surveyors and local gentry revealed not only the extent of 'private landings', but also the prevalence of corruption amongst officials. (97) The scope for improvement shown by these inquiries was realised in the 1680s, when the customs establishments of the region were thoroughly overhauled.

(e) Conclusion.

The history of the Crown revenue in the west at this period is not a happy one. The chaotic legacy of the Lord Treasurership of the earl of Southampton, which brought the collapse of the

hearth tax in 1669 and the stop of the Exchequer in early 1672, consisted of unsettled accounts, recalcitrant receivers and farmers, and the resistance of local justices. On a national level there is a marked similarity between the 1650s and 1660s. The regimes of the interregnum and that of Charles II attempted to support military and naval establishments beyond their capabilities. The demands made of the fiscal machinery in both decades were simply too great. Neither arbitrary taxation backed up by military might, nor parliamentary taxation depending heavily on the co-operation of the local gentry, proved equal to the task. Recovery in the 1670s was slow, further hampered by the third Dutch War. The increasingly tight supervision of the revenue branches by the Treasury gradually improved the yield to the Crown, but by the time *this improvement became noticeable*, the restored monarchy had already exceeded the span allotted to the interregnum.

Footnotes to I, (ii): The Restoration Tax Machine 1660-78.

1. For a brief account of the Restoration financial settlement see Hutton, The Restoration, pp. 148-9, 157-8. Lengthier accounts of the individual branches of the revenue are in the invaluable C.D. Chandaman, The English Public Revenue (Oxford, 1975), *passim*.
2. Coleby, 'Hampshire', pp. 72-90, 194-214.
3. J.R. Williams, 'County and Municipal Government in Cornwall, Devon, Dorset and Somerset 1649-60' (Bristol University Ph.D., 1981), pp. 228-230.
4. P.R.O., T51/11/201; 12/158-9.
5. C.T.B., I, 709; II, 123, 157.
6. Lester had petitioned for a more valuable post, but had to be satisfied with this excise appointment. C.T.B., I, 339. C.S.P.D. 1660-1, p. 47. C.S.P.D. Addenda 1660-1685, p. 19.
7. P.R.O., T51/11/59.
8. C.T.B., I, 163.
9. Report of the Excise Commissioners 9 Jan. 1662, P.R.O., T51/11/95-7.
10. Chandaman, English Public Revenue, pp. 37-9.
11. P.R.O., T51/11/170.
12. C.T.B., I, 576.
13. P.R.O., T51/11/106. S.R.O., DD/PH/223/118-9.
14. C.T.B., I, 382.
15. P.R.O., T51/11/119-21.
16. C.T.B., I, 479-80; II, 523. C.S.P.D. 1661-2, p. 621.
17. C.T.B., I, 483.
18. C.T.B., I, 468, 483.
19. C.T.B., I, 292, 434, 482.
20. A good example of this is the arrear of £23,057-14s.-6d. on Esa Risby and Robert Williams, outstanding from 27 Aug. 1659. Risby and Williams were excise farmers for Bristol, Gloucs., Somerset, Dorset, Lincoln and the Isle of Ely. The

commissioners attempted to recover one third of this sum (the normal composition fee), but found that the farmers estates would not bear it, and so proposed to accept £2000 in settlement. C.T.B., I, 634.

21. C.T.B., I, 439.
22. C.T.B., I, 428.
23. C.T.B., I, 486.
24. C.T.B., I, 427.
25. P.R.O., T51/12/140.
26. C.T.B., I, 489.
27. P.R.O., T51/12/238.
28. C.T.B., I, 262.
29. P.R.O., T51/11/255. The gentlemen proposed by the magistrates would not agree to the rent demanded by the Commissioners.
30. P.R.O., T51/11/242-3.
31. C.T.B., I, 539.
32. Yeamans and Cann were both involved in the furious row which broke out in 1664 concerning the precedence of aldermen over knights. C.S.P.D. 1663-4, pp. 477-8, 482-3, 493-8. J. Latimer The Annals of Bristol in the Seventeenth Century (Bristol, 1900), pp. 312-5.
33. C.T.B., I, 568.
34. Ibid
35. C.T.B., I, 678, 684.
36. P.R.O., T51/12/235.
37. C.T.B., II, 73.
38. Ibid
39. C.T.B., II, 76.
40. C.T.B., I, 625, 652.
41. Chandaman, English Public Revenue, p. 56.
42. C.T.B., I, 731-2; II, 32, 123, 128, *et passim*.

43. C.T.B., II, 157.
44. C.T.B., II, 318. P.R.O., T4/2/173-5. The distress caused by the plague in Sherborne led parish officials to obstruct the excise. Sir John Fitzjames, a local magistrate, in turn protected the constables, going so far as to enlist support on the privy council. Fitzjames to Giles Strangways, 11 May 1667, Alnwick MSS, 550, p. 75.
45. 'Quarter Sessions Minute Book 1666-76', Somerset Record Society, XXXIV (1919), 38, 42. C.T.B., II, 486, 500.
46. Chandaman, English Public Revenue, pp. 59-60.
47. The sub-farm had been held nominally by George Stiles and John St Loe since 1662, but had been quickly sub-contracted. Even this nominal control now disappeared. Chandaman, English Public Revenue, p. 59.
48. Som. Rec. Soc., XXXIV, 62.
49. C.T.B., III, 19-20, 25, 28, 32, 35, 47, 68.
50. C.T.B., III, 97.
51. Warcup had still not satisfied the Treasury by 1671, for process was issued out against him in King's Bench. However, in view of previous services to the Crown, the process was halted. His arrears totalling £1770 were granted to captain William Buckland. C.T.B., III, 97, 1231; IV, 522, 656.
52. C.T.B., III, 833, 856.
53. Chandaman, English Public Revenue, pp. 63-4.
54. Strong beer was subject to a greater levy than small beer. C.T.B., III, 1178; IV 716.
55. P.R.O., T54/6/117-8.
56. P.R.O., C231/7.
57. Chandaman, English Public Revenue, pp. 83-4.
58. These accounts, taken from classes P.R.O., E179 and E360, are transcribed county by county in 'Analysis of Hearth Tax Accounts 1662-5', List and Index Society, CLIII (1979). An alarming case of early resistance to the tax occurred at Lyme Regis in 1662. Henry Henley, presbyterian interregnum J.P. and M.P. for the town in the Cavalier Parliament, was accused by the purged corporation of organising a hearth tax strike. He was said to be encouraging other property owners to impede the collectors and to bring suits against them. Petition of the corporation to Lord Treasurer Southampton, D.R.O., B7/D2/1

(unfoliated). At the same time Henley was attempting to exempt his tithing of Colway from contributing to the town trained bands and from contributing to all public rates and taxes in conjunction with Lyme. The case was referred to the county assessment commissioners, who found for the corporation against Henley. P.R.O., PC2/56, pp. 150, 476-7.

59. List and Index Society, CLIII.
60. C.T.B., II, 307-8, 340.
61. C.T.B., V, 1343-4. C.S.P.D. 1676-7, p. 118. Coker's income in 1670 is given as a modest £500. W.R.O., Seth Ward's Liber Notitiae, III, 54.
62. These receivers were local gentry with some access to Court patronage. Robert Challoner (Somerset) had been a royalist conspirator. Robert Napper, or Napier (Dorset), later a county J.P., was a nephew of the deputy lieutenant, justice and commissioner for drowned lands, Sir Gerard Napier. John Escourt (Wilts.) was brother of Sir Thomas, Master of Chancery. House of Commons, II, 275; III, 126-8.
63. Chandaman, English Public Revenue, pp. 84-5.
64. W.R.O., A1/150/11, H. 1666.
65. Som. Rec. Soc., XXXIV, 9-10.
66. The collection of the rate for the distressed in Salisbury and Fisherton Anger required regular sessions' orders, and even a privy council directive to expedite it. W.R.O., A1/150/11, T. 1666, M. 1666, H. 1667, M. 1667. P.R.O. ASSI 24/22, fo. 142.
67. C.T.B., II, 9, 13, 17, 26-7, 41, 85, 121, 147, 219; III, 120, 273, 487, 635. List and Index Society, CLIII, *all three* counties. Collection of the hearth tax in Gloucestershire in 1666 was equally problematical. B.L. Add. MSS 33,859, fos. 39-56.
68. Chandaman, English Public Revenue, pp. 91-3.
69. P.R.O., PC2/59, pp. 223-4, 355. The assault at Pewsey was carried out by four men in all. The most prominent were John Lovelace esq. (of a leading Berkshire family) and Francis Wroughton jun., son of a Wiltshire J.P. .
70. W.R.O., A1/150/11, M. 1667.
71. P.R.O., PC2/59, pp. 583-4.
72. C.T.B., II, 218, 228-9; III, 19.

73. Anthony Thorold to James Hickes, 8 and 10 Feb.,
C.S.P.D. 1667-8, pp. 222, 224.
74. P.R.O., ASSI 24/22, fo. 151v.
75. C.T.B., V, 318.
76. P.R.O., ASSI 24/22, fo. 153v. Smaller scale attacks on hearth tax collectors in Somerset during 1668 and 1669 are detailed in S.R.O., Q/SR/111, fos 45-6; 112, fo. 73.
77. C.T.B., II, 267.
78. Chandaman, English Public Revenue, pp. 96-7.
79. C.T.B., III, 450, 532, 601, 816, 873, 924.
80. 'Analysis of Hearth Tax Accounts 1666-1699', List and Index Society, CLXIII (1980), 34, 69, 87, 100.
81. The thirteen taxes, aids and subsidies levied between 1660 and 1678 are listed in C.T.B., V, 1483-4. With the exception of tax granted in 1671, these commissioners were appointed by statute. Most county justices and several other local gentlemen were named in the commissions. For a typical example see the 1663 subsidy, 15 Car.II c. 9, Statutes of the Realm, V, 457, 468, 469.
82. Bridges to Bennet, 5 Oct. 1663, SP29/81/16.
83. Bridges to Williamson, 23 Mar. 1667, C.S.P.D. 1666-7, p. 582.
84. John Randell to colonel Walter Slingsby, 20 Jan., SP29/91/6.
85. Thynne MSS, X, fos. 138-142. C.T.B., I, 688.
86. Fitzjames to John Hurdington, 5 Feb. 1666, and to the receiver of the diocese of Salisbury, n.d., Alnwick MSS, 550, pp. 66, 74.
87. Sir Henry Coker to Williamson, 30 May 1677, SP29/394/17.
88. P.R.O. T51/14/158.
89. P.R.O., T51/4/352-3.
90. C.T.B., II, 22, 422.
91. C.T.B., III, 264.
92. C.T.B., III, 444.
93. This was common practice in the second Dutch War. C.S.P.D. 1666-7, p. 492 (a warrant for the receivers of the royal aid in Wilts., Glos. and Dorset to pay moneys to the commanders of

garrisons which were desperately short of funds). In the case of Randell it is recorded that he made payments to a certain captain Killegrew for his company's quartering at Weymouth and its conduct to Portsmouth. This payment only received retrospective Treasury approval in May 1671. In the meantime, Randell had spent some time in prison for not satisfying his account. C.T.B., III, 365, 448, 537, 792, 882.

94. Chandaman, English Public Revenue, pp. 23-7. The customs farmers had to deal with many local disputes in the 1660s. Between 1667 and 1669 the merchants of Lyme, Poole and Weymouth refused to pay the fees set by the customs officials. Despite the intervention of the Treasury Commissioners as early as November 1667, the merchants had still not come to an agreement by December 1669. There are numerous letters on this subject contained in D.R.O., Correspondence of the Town Clerk, Mayor etc. of Lyme 1570-1696 (unfoliated), B7/D2/1.
95. Half the customs officers of 1673 were still in the same posts at Christmas 1679. The alarmingly high death-rate among customs officials accounted for most of the turn-over at this time. P.R.O., Leeds Papers, 30/32/15, fos 17-18, 22-3. CUST 18/3, pp. 15-16, 21. C.T.B., IV, V, *passim*.
96. C.T.B., IV, 528, 532; V, 72-3, 171-2, 213, 370, 686, 887, 923, 1069, 1073-4, 1308.
97. The Weymouth merchant Richard Strong is an example of the resourceful opponents that the customs officers faced in their war against the smugglers. He organised riots, locked up officers while contraband goods were unloaded and undertook vexatious suits against the Weymouth surveyor. He was not brought to book until the Sherborne assizes of July 1681. P.R.O., T11/4/82, 86, 115. T54/7/179. C.T.B., V, 828, 868, 874, 890-1, 1109, 1117, 1135. P.R.O., ASSI 24/23, fo. 25.

(iii) The County Benches and Religious Policy 1660-1678.

(a) Introduction.

From the time of the Root and Branch petition before the Civil War, deviance from orthodox Anglicanism had been equated with disloyalty to the Crown. Adherence to the Anglican faith was an essential part of the royalist creed. There was no doubt amongst the cavalier gentry at the Restoration that the Anglican Church should be restored almost to its full glory. The traditional Church was a guarantor of the natural social and political order. Its supreme governor was the King, its source of authority was the King in parliament. Any alternative ecclesiastical organisation outside the Church was an implied threat to society, in that it affirmed a rejection of the spiritual authority of the Crown. True, there could be no return to the Court of High Commission, but the Church should rest squarely upon the fundamentals of the Book of Common Prayer, the sacraments and an episcopal structure. The reconstruction of a rigid state church, after nearly twenty years of comparative religious freedom, seemed all the more necessary after the radical *annus horribilis* of 1659, which to the majority of gentlemen had heralded the overturning of the social order by extreme religious sects.

There were, of course, complications. The Quakers, baptists and other radicals would obviously be excluded from the national church, but what of the presbyterians? After all, the

presbyterians had been instrumental in the Restoration. Many of Charles II's privy councillors - Monck, Holles, Manchester, Annesley - were sympathetic to them, and had not the King's declaration at Breda promised freedom of conscience to those of his subjects who did not seek to disturb the peace and government of the realm? In 1660 and 1661 there were protracted and complicated negotiations, designed either to enable the incorporation of presbyterians into a more broadly based Anglican Church, or to allow for their toleration. Comprehension failed because the restored Church would not accept the proposals of the presbyterians for a simplified episcopal structure; and toleration failed because the Cavalier House of Commons refused to grant the King dispensatory powers in the Act of Uniformity.

As is well known, the Uniformity Act ensured the expulsion of many able presbyterian and independent ministers from their livings. It also ensured that many thousands of protestant Englishmen would be excluded from the national church. As yet their fate was unclear. The more extreme sects were already subject to the Quaker Act, which provided for the punishment of those who refused to take the oath of allegiance, or who held or attended meetings. The Anglican majority in the Cavalier Parliament was not prepared to be lenient. The abortive declaration of indulgence in 1663 was successfully opposed. In 1664 the Conventicle Act was finally passed, imposing stiff financial penalties on those attending religious meetings involving more than five adults. The following year saw the completion of the penal code with the passage of the Five Mile Act

aimed at ejected ministers, forbidding them to reside within five miles of their old living, or a corporate town, and requiring them to take oaths of loyalty and non-resistance if they wished to teach school.(1)

By 1664 the Quakers, the gathered churches, and presbyterians, were liable to fierce punitive statutes. The code was apparently foisted on a more tolerant Crown by the vengeful Anglican gentry. But recent research has suggested that the relationship of the Crown and the provincial gentry in the matter of religious policy was far more complex than this, and that the idea of central government vainly trying to restrain the enthusiasm of the county justices for persecution needs substantial qualification.(2) Before we can look at the implementation of religious policy in the three counties, it is necessary to examine the composition of the county benches themselves.

(b) The Commissions of the Peace.

The commission of the peace had ceased to be the basis of county government for only a brief spell in the late 1640s, when the hated county committees held sway. (3) Unlike the militias, or the machinery of taxation, the system of local administration and justice did not have to be recast. It is not known upon what information the first commissions of the peace, issued in July 1660, were based. However, it seems that the intention was not to create monolithic blocs of cavalier justices, but to include former opponents of the Crown, who had taken up the royalist cause, if they were suitably qualified in all other respects.(4)

The result in the west was a county magistracy which, although predominantly cavalier, contained significant numbers of presbyterians and pragmatic Cromwellians.

Of sixty-three locally resident justices commissioned in Somerset between July 1660 and 1662, twenty had served as county magistrates at some time between 1649 and the end of 1659.(5) Eighteen of the thirty-five justices appointed in March 1660 were re-commissioned in the two years after the Restoration.(6) The cavalier old guard of Sir John Stawell, Sir John Warre, Sir Thomas Bridges, William Walrond, Edward Phelips, and Francis, Lord Hawley, rubbed shoulders with Alexander Popham (a radical supporter of John Pyne in the 1640s), William Prynne, Francis Rolle (son of the Cromwellian judge), and Sir George Horner.(7)

The gentry of Dorset had been the most loyal to the Stuarts of any in the three counties, but, even here, thirteen out of forty-nine locally based justices had served during the interregnum, and there were twelve survivors from the commission of March 1660.(8) The new commission was headed by John, Lord Digby, and Sir John Strangways, who represented the two leading royalist families of the shire, but well up on the list were the old presbyterians, Sir John Fitzjames and Sir Walter Erle. Those who did survive from the 1650s were not merely timeservers. We have seen that Erle criticised the militias of the restored monarchy in the House of Commons.(9) Two of his colleagues, Michael Harvey and Thomas Moore, continued to exercise their dissenting religious beliefs and sheltered congregations after the passage of the penal legislation against nonconformists.(10) Such

were the convictions of the attorney Walter Foy that he was struck off the commission before 1662.(11)

In Wiltshire no fewer than twenty-seven of the fifty-nine justices appointed in March 1660 were commissioned between 1660 and 1662. Sixteen justices who had attended at least two quarter sessions between 1647 and 1659 were re-commissioned, and others such as Sir Walter St John (son of the Cromwellian Oliver St John) had associations with the governments of the interregnum.(12) Wiltshire is the only county of the three for which attendance records survive for the quarter sessions between 1660 and 1662.(13) The first to be held after the Restoration was at Marlborough in October 1660.(14) As has been noted, the business of the county militia figured prominently at this sessions, and the old royalists, many attending their first sessions, turned up in force.(15) Thereafter, the pattern was rather different. The business of the quarter sessions over the next three years was under the control of those who had been among the most assiduous justices of the 1650s, a small group of pragmatic lawyers. The assize clerk Francis Swanton (succeeded on his death in 1661 by his son William), Edward Tooker of Salisbury, William Yorke and John Norden were busy in and out of sessions: auditing the accounts of the county treasurers, supervising the repair of bridges, and overseeing the county gaol. In short, they provided a much needed element of continuity in the government of the shire.(16)

There was no place on the benches for the true radicals of the interregnum: John Pyne of Somerset, John Rede of Wiltshire and

William Sydenham of Dorset.(17) However, the policy of reconciliation toward former moderate opponents ensured that the county magistracies were of mixed political complexion. Cavaliers and those from cavalier families were in the majority, but many influential men who had fought against the martyr King, and at one time had sought to change the form, or challenge the spiritual monopoly of the Church of England, were active in county government.(18) Most of these could now find a place for their consciences within the Anglican church, but for the most part they were not prepared to abandon those liable to persecution for moderately held religious beliefs. (19)

(c) The Implementation of Religious Policy 1660-1672.

The most vulnerable religious group at the Restoration were the Quakers. During the last years of the Protectorate their dramatic and disruptive evangelical style had made them feared by most in authority (and by many who were not). Of the Somerset justices in July 1660, who had held office in the late 1650s, Robert Hunt, Sir William Wyndham, Peter Roynon, Edward Court, Francis Luttrell, Francis Rolle and George Trevelyan are recorded as acting against Quakers before the Restoration.(20) In Wiltshire Quakers suffered persecution for a whole range of offences before 1660.(21) In 1659 Dorset Quakers were subject to assaults, and these intensified during the early months of 1660, there being no intervention from the local justices.(22)

At the Restoration general joy and relief was accompanied by anxiety for the future security of the monarchy. The Quakers because of their shocking disdain for authority - manifested by

the refusal to pay tithes, the refusal to remove their hats in the presence of a social superior, the refusal to take any oaths, and their outlandish behaviour - became the principal targets of this anxiety. Days after Charles II had been proclaimed king a party of soldiers disrupted a meeting of Quakers at Calne. They 'came with swords drawn and pistols cocked and violently haled out those that were met'. When asked for their warrant they showed their swords and cried 'here is our warrant!'. (23) Popular violence against Quakers during 1660 was very common and was clearly encouraged by those in authority. At Broad Cerne in Dorset an organised mob, armed with guns, clubs, staves and dung, beat a drum throughout a Quaker meeting. After this meeting the returning worshippers were ambushed, and some suffered serious injury. (24) At Lyme Quakers from Bridport were arrested by the mayor at a meeting. They were carried to the gaol, where they were 'abused' by the county justice Nathaniel Tyderleigh and the town's minister Ames Short, and pelted with stones by a large crowd. The irony of this was that Short, a prominent presbyterian, himself suffered regular persecution during the 1660s and again in the 1680s. (25)

In the summer of 1660 the attitude of *central government* to such persecution was unclear. It was made clearer by the instructions given to the lords lieutenant in October, which ordered that disaffected persons were to be prevented from meeting and that those who attempted 'to subvert people's affections, or those who commit insolencies or outrages, or administer the occasion by their loose example or unlawful combination', were to be punished by 'faithful and discreet persons' appointed by the

lieutenancy.(26) The Quakers in the Sherborne area fell foul of these instructions. Thirty or so, gathered in the town, were arrested by a school master and the constable and kept over night in the watch-house. The next day they appeared before Winston Churchill J.P. . He asked them whether they knew of the order forbidding them to meet in a riotous manner. They replied that they were not riotous, refused to find sureties, and were sent to the county gaol, where they remained until the next assizes. As yet the statutory means of prosecuting the religious extremists were limited. Ancient laws designed to combat riot were unsatisfactory, but in this case, as in many others at this time, the inadequacies of statute could be circumvented. Seventeenth century society was fiercely legalistic, but the Quakers' unwillingness to conform to the rules of court procedure left them open to punishment for contempt. On this occasion refusal to remove their hats led even George Fulford, a justice later inclined to toleration, to call for them to be fined. Penalties of between 10s. and 40s. were levied on fourteen of the Friends. The convicted Quakers refused to pay these fines and were returned to the county gaol.(27)

The prevalence of the meetings of sectaries in the countryside was a cause of increasing concern for central government. On 2 January 1661 the privy council issued a warrant for the solicitor-general to draw up a proclamation against the meetings of all Quakers, Anabaptists and other sects, who were taking advantage of the generous terms of the Declaration of Breda to hold large gatherings with seditious intent. None of the

sectaries were to go outside their parishes for any form of spiritual worship, and if they disobeyed they were to be subject to punishment under the laws against riotous assembly.(28) Four days later the nation was rocked by an insurrection of thirty-five Fifth Monarchists in London, known as Venner's rising.

The rising (with its faint echo to the north in Gloucestershire) seemed to confirm the fears expressed in the privy council warrant. The proclamation was issued on 10 January in an atmosphere of panic, and two weeks later instructions were sent out to the lords lieutenant ordering that suspected persons, and those refusing to take the oaths of allegiance and supremacy, should be secured and imprisoned.(29) The effects were immediate. Many arrests were made in the three counties.(30) Although the privy council ordered, on 4 March, that all those who had been gaoled on suspicion (except the ringleaders) be released, the precedent had been set for the series of orders, issued over the next few years, which emphasized the link between religious heterodoxy and political sedition.(31) These direct instructions from central government sent out in August 1661, July and October 1662, August and October 1663 and in the summer of 1664, provided regular impetus to the persecution of dissenters in the provinces.(32)

When we acknowledge that the Crown was encouraging the persecution of sectaries in the localities from early 1661 onwards, the element of spontaneity in the local response to religious nonconformity, which went beyond simple Quaker-bashing, must not be ignored. As early as September 1660 the Grand Jury of

Dorset presented several ministers for not using the 'liturgy enjoined by an Act of Queen Elizabeth', and also the prevalence of illegal conventicles and sectaries. (33) A similar presentment was made to the Wiltshire quarter sessions of January 1661. (34) In February complaint was made that John Wesley, minister of Whitchurch in Dorset, had served as a soldier under the republican major Dewey, and that 'he had railed against the late King in his pulpit'. In June he was arrested and imprisoned by county justices without charge. (35) At the time of the coronation in April 1661 John Sacheverell, minister at Wincanton in Somerset, made the mistake of choosing 1 Samuel, XII, 24, 25 as the text for his lesson. 'But if ye shall still do wickedly, ye shall be consumed, both ye and your king' was, perhaps, a rather tactless lesson with which to greet the crowning of the sovereign. It was too much for some of the leading parishioners. They left the church and went to the market place, where they gathered together the 'rabble'. Next they empanelled a jury and carried out a mock trial of the minister. Having been found guilty, Sacheverell was dragged through the streets in effigy on a hurdle. The effigy was at last set upon a pole, and shot at several times before it was cremated. Sacheverell was soon afterwards indicted to the assizes for not using the Book of Common Prayer. (36)

During 1661 the presentment of those attending private religious meetings, or not attending Anglican service, became more common in Wiltshire. By October 1661 the justices were requesting the return of those attending conventicles in the set of questions sent out to the constables and hundredal juries. (37) In November

of that year justices and militia officers in the Warminster division, having secured suspected persons on information concerning plots, prepared notices to be dispersed in the hundred of Maiden Bradley (the former home of Edmund Ludlow), ordering the apprehension of all ministers holding unlawful religious assemblies.(38) The passage of the Quaker and Uniformity Acts in early 1662 put into statute what was fast becoming a reality. John Palmer, a 'violent Presbyterian lecture driver of Shaftesbury' was so dismayed by the Uniformity Act that he hanged himself.(39)

Further plot scares, and the attendant privy council orders in the months preceding and following St Bartholomew's day, seemed to give every justification for the execution of this legislation.(40) In June it was alleged that 200 Quakers were imprisoned in Dorset for not taking off their hats, or for opening up their shops on 29 May (the King's birthday and Restoration day) and on 12 June, which was designated as a fast day.(41) At the beginning of November there were still 129 Friends in the gaols of the three counties.(42) The Quakers were now joined in the prisons by ministers who had been ejected on 24 August for their refusal to conform, and had continued preaching outside the structure of the Anglican Church.(43)

Although Charles tried to get authorisation from parliament for the power of royal dispensation from the Act of Uniformity early in 1663 (part of a package designed to win greater toleration for catholics), the encouragement of persecution by central government was greater than ever during that year. In

July the justices of the peace in Dorset were ordered to arrest certain presbyterian ministers (including Francis Bampffield), and to suppress all other dissenting preachers.(44) This was soon followed on 5 August by the orders to the lords lieutenant, which included the instruction that they use the forces under their command to suppress all conventicles.(45) The activity of justices in the western division of Somerset was so great that the county gaol was bursting at the seams with Quakers, baptists, and presbyterian preachers, for most of the summer. When Joseph Allein, a presbyterian, was committed on 24 August he found five ministers and fifty Quakers crowded into one room.(46) In September the thirty-two Quakers imprisoned there petitioned the privy council, complaining that their numbers were ever increasing, and that the cruelty of the gaoler, the lack of food, and the meanness of the accommodation, were intolerable.(47) By the beginning of 1664 the gaol was so full and disease-ridden that local justices were demanding a special gaol-delivery to ease the congestion.(48) In Dorset several conventiclers were convicted of riotous assembly at the Sherborne assizes in August (one of whom was Francis Bampffield). In addition, two Quakers of Sherborne received life imprisonment for *praemunire*.(49) Early in 1664 Sir John Strode and a party of militia soldiers disturbed a conventicle and were involved in a pitched battle with the worshippers. Four former ministers and eighty of the congregation were committed to Dorchester gaol for riotous assembly.(50) At the time of the discovery of the pathetic Farnley Wood Plot in October, a Wiltshire justice informed Henry Muddiman that many

nonconformists and papists were tried at the county sessions. (51)

The Quakers were still by far the most vulnerable to prosecution in 1663. The failure to steer the Conventicle Bill through the House of Lords earlier in the year meant that justices still had to rely on the laws against riotous assembly, which involved certain legal difficulties, especially when it was obvious that a meeting was entirely peaceful. This changed in early 1664 with the passage of the Conventicle Act, which was widely executed in the three counties. It was in this year that the number of prosecutions against nonconformists at the Wiltshire quarter sessions peaked (at the Easter sessions held at Devizes the whole village of Erlestoke was presented for non-attendance at divine service). After 1664 the number of dissenters indicted at the quarter sessions dropped markedly. (52) Even so, in 1665 central government continued, on occasion, to order the arrest of dissenting ministers. In July the Somerset J.P.s disturbed a very large conventicle near Taunton and secured eleven nonconformist ministers. They wrote to secretary Arlington asking him how they should proceed, and received an unequivocal answer from Clarendon. Every one of the ministers must be prosecuted with the utmost rigour. Those too wary to be caught at conventicles should be arrested and imprisoned, or bound over to the next assizes. (53) Some Quakers still languished in the county gaols, and preachers were still subject to search and arrest by the militia; but the days of the most intense persecution had passed. (54)

There were many reasons for this. Most obvious are the distractions created by the second Dutch War (including

impressment, ordering the militias, and supervising the grants of extraordinary taxation) and by the plague. For all but the most committed, the novel enjoyment of arresting and incarcerating sectaries and presbyterian ministers must have been wearing thin by 1665. Also, the nonconformists were becoming less easy to catch. All but the Quakers now met in secret, often at anti-social night hours. Above all, there was now less pressure from the privy council. The widespread persecution of 1661 to 1665 was the result of enthusiastic Anglican deputies and justices acting upon the formal, and informal, direction of central government. Once this encouragement and support became less evident, the religious policy of the benches reflected the views of those justices far less inclined to persecution.

Opposition among the gentry to persecution during the period 1661 to 1665 has often been obscured by the activities of the more vengeful justices and deputy-lieutenants. There were numerous instances of justices being so impressed by the bearing of nonconformists brought before them that they dismissed the case, but often their reluctance was more fundamental.(55) In November 1661 Henry Coker complained that in the south-western part of Wiltshire J.P.s were refusing to take any action against dissenters: 'There are many mongrel justices that were for Oliver, who proceed coldly and neglect duty'.(56) Bishop Henchman of Salisbury, at the time travelling around his diocese in an effort to restore church government, found that the justices were very reluctant to assist him in ejecting unsuitable ministers.(57)

The excessive severity of the justices in 1663 provoked

objections from unexpected quarters. George Speke of Whitelackington was a very respectable royalist Anglican justice and deputy lieutenant. His wife, however, was a devout presbyterian, who did not abandon her beliefs after St. Bartholomew's Day 1662. In the spring of 1663 she was indicted at the assizes for attending a prayer meeting. Her husband was furious at the temerity of the constables and churchwardens responsible for the presentment, and he threatened them. Unfortunately for him, Whitelackington, near Ilminster, lay in the area of south Somerset which had the greatest concentration of enthusiastic persecuting justices in the three counties.(58) Sir John Warre of Hestercombe took up the case, and reported it to secretary Bennet. He added that *Speke had refused to disturb* presbyterian meetings at Taunton and Bridgwater.(59) Under attack, Speke sought protection from Sir Maurice Berkeley of Bruton (at this time a courtier and a close adherent of Ormonde). However, Berkeley's protection was not enough and, despite his past loyalty, Speke was dismissed from the commission of the peace and the lieutenancy.(60) For the rest of his life he remained an implacable opponent of the Stuart monarchy.

In the summer of the same year, Robert Hunt, of Compton Pauncefoot in south-east Somerset, commented disapprovingly on the over-zealousness of the justices of the western division of the county. He was no friend of the Quakers, but he believed that the overcrowding of Ilchester gaol was unnecessary. He also found the work occasioned by the number of dissenters on trial onerous, and was worried by the friction that some of these trials caused.

The case of a Mr Allen (probably Richard Allen, the former minister of Batcombe) produced 'a great heat' in the Grand Jury, and eventually the bill against him was not found, by fourteen votes to five. This was precisely the sort of contention that moderate justices believed was dangerous to the peace and stability of the county. (61)

The position of sheriff was of great importance in the treatment of nonconformists, as he exercised overall supervision of prisons, and the transportation to gaol of those who had been arrested. In 1664 and 1665 the behaviour of the tenant of the Dorset shrievalty considerably annoyed the keen persecutors in the county. From the time of the Restoration the county gaol at Dorchester had been in the charge of *Renaldo Knapton*, who had been royalist provost-marshal during the Civil War, for which he had been sequestered. His severity toward imprisoned nonconformists was a by-word, but his position was vulnerable. Dorchester was a dissenting stronghold and a corporate town, where the writ of county justices did not run. Conventiclers continued to meet openly in the town, even after the purge of the municipal governors by the corporation commissioners in 1662. (62) Knapton's regime at the county gaol was hateful to the nonconformist citizens, and moves were afoot in the early summer of 1664 to get the gaolkeeper replaced by the former Parliamentarian, Robert Wilson. Knapton obtained letters of support from the King in June, but the nonconformists found a powerful ally in November when Robert Swayne was pricked as sheriff. Swayne was persuaded to dismiss Knapton and appoint Wilson. Although the King and the duke

of Richmond wrote to the sheriff forbidding this, he ignored their letters, as he said, because they were not addressed to him by name. The sheriff was taking a dangerous course, but the nonconformists in the town entered into a bond to remunerate him if he incurred any financial loss as a result of legal action. However, Knapton's defence of his office was vigorous. He assured the King that Dorchester was the most factious town in England, and that he was the only loyal man in the place. He also produced evidence that Swayne was selling the offices at his disposal. The sheriff was summoned before the privy council to receive a reprimand, and Knapton was continued as gaol-keeper. (63) It is significant that, in the cases of both Speke and Swayne, local gentry seeking to protect dissenters *gained little sympathy from* central government.

In the provinces during the second Dutch War the perceived view of central government religious policy was confused. When a Weymouth magistrate was challenged for not disturbing conventicles, he replied 'that he understood that nonconformists met in London, unsuppressed by King, Council, or city officers'. (64) The Great Fire transferred much of the suspicion of nonconformists on to the catholics. Two letters from opposite ends of Somerset reveal just how much persecution of protestant dissenters had slackened by the end of the war. A government informer from Minehead bemoaned that 'it was vain to complain' to the justices of the peace about the activities of the disaffected and the anabaptists. (65) On the eastern border of the county a minister was 'surrounded by manifold dangers' and the crowds of

fanatics which swarmed about the area. He had long applied to the local justices for remedy, but instead of them affording him protection, 'they have been offensive and exposed him to the rabble'. Worse still, 'the gentry, as well as the ignorant and ill affected, help to beget the jealousy of Popery, and are apparently fallen back to 1642'. Interestingly, this correspondent believed this state of affairs to be the responsibility of 'big men in Court and Parliament'. (66)

Although there is a slight element of hysteria in both these letters, they bear a kernel of truth. On 13 September the privy council sent a circular to the county justices informing them that, notwithstanding the recent proclamation for judges and ministers to suppress the growth of popery, as many catholic priests as ever were active. In view of this, the justices were to apprehend all such priests in their division, and to proceed against them according to the law. (67) A further circular was issued on 10 December. The justices were now told that the King intended to make special inquiry about those of 'his subjects now in prison, who were fit objects for his clemency, especially those known as Quakers'. Lists of such persons, and details of their offences and the duration of their captivity, were to be returned to the privy council board by 20 January 1668. (68)

The number of presentments and indictments of nonconformists at the Wiltshire quarter sessions between 1665 and 1670 fell to about one-fifth of the level of 1663-4, and the Quaker sufferings for the county record no prosecution by the secular authorities between 1665 and 1669. (69) The first Conventicle Act lapsed in

1668, and the proclamations against dissenters and papists issued in 1668 and 1669 were not backed up by strong privy council directives.(70) The majority of justices in the three counties were no longer committed to persecution. The Quakers had become pacific since the Restoration, and the growth of the sect had been dramatically checked. The causal link between religious dissent and sedition had lost credibility, and stability had returned to the countryside. Without consistent support from central government the Anglican hard-liners found it almost impossible to enthuse their colleagues with persecuting zeal.

All this was altered in 1670. In the early spring the staunch Anglican majority in the Cavalier Parliament finally succeeded in pushing through the second Conventicle Act. The new Act was more severe than its predecessor. Single justices (rather than pairs) were empowered to convict conventiclers, and 'notorious evidence and circumstance of the fact' was to be sufficient as proof of guilt. More importantly for our purposes, the Act stipulated that justices who were knowingly negligent in its execution were to be subject to a £100 fine. Provision was also made for the payment of informers with one third of the fines levied as a result of their information.(71)

The reaction of provincial justices to this legislation was complex. It is clear that although the Crown had tried in 1668 to obtain some form of toleration for more moderate dissenters, it was prepared to back the provisions of the second Conventicle Act to the full.(72) The Act came in to force in May, and was accompanied by the first major political manipulation of the

commissions of the peace since the Restoration. The commissions issued for Dorset and Wiltshire in May and June omitted at least fourteen justices, who were believed to be opposed to the implementation of the Act (and two catholics).⁽⁷³⁾ This served notice to the county benches that unless they were prepared to execute the Act they could expect retribution from central government.

Where there is supporting evidence, in Wiltshire, it is certain that the execution of the Act was not the result of the spontaneous initiative of the county magistracy. In the late summer John Eyre, a strong opponent of the nonconformists, returned to west Wiltshire to find that religious meetings were taking place openly, in defiance of the conventicle legislation. Local officers, often dissenters themselves, would rather commit perjury than inform on their neighbours.⁽⁷⁴⁾ For want of sufficient action by the justices, Eyre wrote to Seth Ward, bishop of Salisbury, and friends at Court, advising that troops of Lord Oxford's regiment be garrisoned at Warminster, Bradford, Trowbridge, and at Bath and Frome in Somerset.⁽⁷⁵⁾ King and Council were soon informed, and notified Seth Ward of their displeasure at the laxity of the justices of the Devizes and Warminster divisions.⁽⁷⁶⁾ Stung, the J.P.s replied that they had made thorough inquiry, but could find no evidence of the alleged 'great and tumultuous meetings'. Furthermore, they had put the Conventicle Act into execution, and would take care 'that for the future these parts will not lie under a worse character than any other country'.⁽⁷⁷⁾

The records of the quarter sessions show that the justices took immediate retrospective action to justify their claims. They were well aware of the vulnerability of their prized positions on the bench, in view of the close interest in their proceedings taken by the privy council. In the following months one-third of the justices in the two divisions are recorded as executing the Conventicle Act. Half of these J.P.s were known to be sympathetic towards dissenters. (78) Of nearly two hundred convictions recorded in the four sessions rolls between October 1670 and October 1671, only three were made outside the Warminster and Devizes divisions. (79) Eyre's continued presence, and the investigations of his myrmidons, the indefatigable professional informers, Edward Cornelius, Edward Love and William Robson, acted as constant reminders to the J.P.s in the area. Although Eyre was a modest figure compared with some of his illustrious neighbours, like Sir Edward Hungerford, his contact with the privy council had enabled him to galvanize the unsympathetic justices into concerted action.

It seems that the local response in Somerset was more vigorous. Just under half the locally resident justices in the county convicted conventiclers in 1670-1, but a group of only seven was responsible for about half of these prosecutions. (80) Indeed, many of the most active J.P.s in the county are not recorded as executing the Act. An anonymous letter to Williamson of 2 July called for an order from above to suppress the meetings of the fanatics, and alleged that many justices had absented themselves from the county 'not wishing to disoblige a

considerable party' (i.e. not wishing to implement the Act). Others, on the eastern border of the county in the Bath and Frome areas, were pestered by the professional informers from Wiltshire, and had little option but to prosecute. It is likely, too, that the serious assault upon Sir Hugh Wyndham by dissenters at Dunster in May produced an outraged reaction against nonconformists amongst some of his fellow justices. (81)

(d) Persecution 1673-1678.

In Wiltshire and Somerset the massive upsurge in persecution did not last long. The number of convictions tailed off drastically nine months before Charles II issued the Declaration of Indulgence in March 1672, and there is no evidence from the three counties that county justices acted in contravention of the Declaration. On its withdrawal in the following year there was a further round of persecution, though on a reduced scale from 1670-1. (82) Although John Eyre was dead, there is reason to suspect that justices in Wiltshire were again subject to pressure from central government to prosecute dissenters. William Trenchard, who had long sheltered a baptist congregation on his estate at Cutteridge (near Trowbridge), and John Hall, another sympathetic to dissent, both convicted conventiclers. Oliver Nicholas, one of those turned off the bench in 1670 for his opposition to the Act, but now restored, prosecuted more dissenters than any other justice in the Marlborough and Salisbury divisions in order to prove his conformability. (83)

During the ascendancy of the earl of Danby, which lasted

until the Exclusion Crisis, central government adopted the Anglican-cavalier stance towards protestant dissent and catholicism.(84) This, however, was little more than a political pose. Although 112 members of the local gentry were appointed as commissioners to enquire into the estates of convicted papists between March and April 1675, the number of convictions under the recusancy laws did not rise dramatically.(85) Wiltshire, the county where catholics suffered most throughout this period, produced an average of only fifteen convictions a year between 1675 and 1678. The prosecution of nonconformists as popish recusants became a major grievance during the 1680s, but in Danby's time only sixteen dissenters, almost all Quakers, were convicted of recusancy.(86)

As in the late 1660s, the county justices now showed little enthusiasm for persecution, and no undue pressure was put upon them by central government. There was one outstanding exception to this general rule: Peter Mews, elevated to the see of Bath and Wells in 1674. Mews was a soldier-bishop, who had lost an eye in the royalist cause at the battle of Naseby (hence the epithet of 'Peter Patch' applied to him by his enemies), where he also suffered injuries to his left side and to his right hand, which troubled him for the rest of his life. As a result, he was irascible and intolerant. He was also a forceful character, determined to rid his diocese of the infection of dissent. In the west of England Mews was the prophet of the Tory Reaction. From the middle of the 1670s he advocated the policies which were to be adopted by the Crown with such success in the early 1680s. But now

his was a lone voice. Commissioned a justice of the peace in June 1675, the principal object of his zeal was the refractory town of Taunton (this will be dealt with in section iv). He clearly did not receive much support from the local gentry, and regularly begged Henry Coventry to give firm instructions for the suppression of conventicles. These, it seems, were not forthcoming. Neither Mews' colleagues, nor the central government secretariat, responded with much energy to his dire warnings. (87)

(e) Conclusion.

The implementation of religious policy between 1660 and 1678 was far from consistent. The persecuting drives against dissenters of 1661 to 1664, 1670-1, and 1673-4, punctuated longer periods of relative inactivity. In the years immediately after the Restoration, the revenge motive, the fear of sedition and the constant encouragement of central government were responsible for the widespread punishment and harassment of dissenters. Thereafter, the number of committed persecutors on the benches of the three counties was small. The revival of persecution on a large scale in 1670 was only made possible by the intervention of central government. The exemplary dismissal of those known to oppose the second Conventicle Act was the most striking manipulation of the personnel of county government for political purposes between the coronation and the Exclusion Crisis. In Wiltshire even this was not enough to prompt the execution of the Act, and further pressure had to be applied to the justices of the Warminster and Devizes divisions. The abstruse political

objectives and the regular *voltes-face* in the religious policies of central government were beyond the wit of the county gentry. Danby's attempt to revive persecution was so lacking in genuine conviction that it evoked little response. With the exception of committed individual justices and bishop Peter Mews, few magistrates evinced much enthusiasm for prosecuting conventiclers by 1678. It took the events of the Exclusion Crisis to restore their enthusiasm.

Footnotes to I. (iii): The County Benches and Religious Policy,
1660-1678.

1. The preceding brief account of the passage of the anti-dissenter legislation is drawn from the relevant sections of I.M. Green, The Re-establishment of the Church of England 1660-1663 (Oxford, 1978) and Hutton, The Restoration.
2. The ideas upon which this section is based (although now highly modified) were first expressed in P.J. Norrey, 'Protestant Nonconformity in Wiltshire 1660-1689' (unpublished B.A. dissertation, Bristol University, 1984). This gives the distribution and strength of Wiltshire nonconformity in reasonable detail. For Somerset and a large part of Dorset see Clifton, The Last Popular Rebellion, pp. 48-52. It is impossible to be sure of the exact number of dissenters in the three counties. The Compton census gives us a figure of not much over 10,000, but it is likely that the total was well over 15,000. However, to get matters in perspective, dissenters would not have comprised much over five per-cent of the population at large, which Professor Underdown has calculated at about 400,000. Turner, Original Records, I, 5-13, 123-7, 180-1; III, 142. D. Underdown, Revel, Riot and Rebellion, p. 294. The most recent work on the subject, by Andrew Coleby, has shown that persecuting drives in Hampshire were, more often than not, the result of central government initiative. Coleby, 'Hampshire', pp. 222-37.
3. County government during the interregnum is studied in great depth in J.R. Williams, 'County and Municipal Government 1649-1660'. This is a valuable and painstaking work, although the insistence on the *essential* continuity in county government during the period sometimes seems a semantic rather than an historical point.
4. The justices in commission between 1660 and 1662 are recorded in the Chancery *liber pacis*, P.R.O., C220/9/4. This was kept as a running guide and so has to be used in conjunction with crown docquet book C231/7, which records the changes made in new commissions. The commissions in 1661 are recorded in B.L. Eg. MS 2557. Somerset commissions survive for the years 1661-4, S.R.O., Q/JC/64-9.
5. Williams, 'County and Municipal Government', II, appendix 1/2, pp. 379-81. P.R.O., C220/9/4, fos. 72v-75.
6. A Perfect List, pp. 46, 48. This figure does not include Sir John Fitzjames, who was commissioned for Dorset only, in March 1660.
7. Underdown, Somerset in the Civil War, *passim*.
8. The Dorset commission of the peace in March 1660 numbered only thirty-four. A Perfect List, p. 13. P.R.O., C220/9/4, fos. 18v-

20. Williams 'County and Municipal Government', appendix 1/2. There is the odd inaccuracy in the Williams appendix, the most striking of which is the mistranscription of John, Lord Derby, for John, Lord Digby.
9. See above, p. 16.
10. The episcopal returns of 1669 recorded that Michael Harvey hosted a conventicle at his house in Clifton (near Yetminster) as did Thomas Moore in his house at Batcombe in Somerset. G.L. Turner, Original Records of Early Nonconformity under Persecution (3 vols., London, 1911-14), I, 12, 123.
11. Although his dismissal is not recorded in the docquet book, Foy's name has been marked as omitted in the *liber pacis*. The strong presbyterian representation on the bench of staunchly Anglican Dorset is attributable to the influence of the Holles family. Both Denzil, Lord Holles, and Sir Francis, natives of the county, were commissioned as justices, although their involvement in central politics and administration meant that they were not active in the county.
12. W.R.O., A1/150/10, 11. A Perfect List, pp. 59-60. Seventy-three locally resident justices were commissioned between 1660 and 1662. P.R.O., C220/9/4, fos. 95-97v. One of the richest of these was Edward (later Sir Edward K.B.) Baynton, of Spey Park, who had been a supporter of Edmund Ludlow, until April 1660, when he thought it safer to swim with the stream than be swept away by it. House of Commons, I, 607-8. Another famous Parliamentarian on the commission was James Ashe, a Rumper and an M.P. during the Protectorate. He was the son of John Ashe, chairman of the Goldsmith's Hall sequestration committee in the 1640s and 1650s. House of Commons, I, 555-6. Underdown, Somerset in the Civil War, pp. 159, 164, 167. Isaac Burgess from north east Wiltshire was on very good terms with the Seymour family, whom he undoubtedly protected during the interregnum. His brother was Daniel Burgess the minister of Collingbourne Ducis, who was ejected from his living, and became one of the leading lights of Marlborough presbyterianism. E. Calamy, Nonconformist's Memorial, ed. S. Palmer, (3 vols., London, 1802), III, 361.
13. W.R.O., A1/150/11, M.1660.
14. In all three counties it was the practice to hold the year's quarter sessions in four set towns. In Wiltshire these never varied throughout the period. Hilary - Salisbury, Easter - Devizes, Trinity - Warminster, Michaelmas - Marlborough.
15. See above, p. 4.

16. Norden was, more correctly, an administrator of the late 1640s. Yorke, Swanton and Tooker all supported the Restoration of Charles, but unlike more committed royalists, were prepared to serve under successive regimes during the interregnum. W.R.O., A1/150/10, 11.
17. Pyne and Rede found themselves constantly in trouble after Restoration. Both were arrested on numerous occasions and Pyne's estate was declared forfeit. Rede was patron of the baptists at Porton in east Wiltshire, and was still proving a nuisance to the authorities in the 1680s. C.S.P.D. 1660-61, p. 4; C.S.P.D. 1661-2, pp. 217, 441. H.M.C., Third Report, Appendix, p. 92. See below p. 205.
18. Former radicals may not have been justices after the Restoration, but they were entrusted with lesser posts, where their administrative experience was of great value. At the Wiltshire quarter sessions of Easter 1662, Nicholas Greene esq, a baptist, interregnum J.P., and one of the three Wiltshire members in Barebones Parliament, was made treasurer of the fund for maimed mariners and soldiers in the northern half of the county. In other words a former radical Parliamentarian was responsible for disbursing pensions to royalist veterans. The year following, another interregnum radical justice, Ephraim Westley, was appointed to the same post. W.R.O., A1/150/11, E. 1662, E. 1663.
19. The commissions of the peace in the first two years after the Restoration were clearly under close scrutiny for any signs of disaffection. In March 1662 four Somerset justices were turned out, including Edward Strode and James Hayes (later vehement exclusionists). P.R.O., C231/7, p. 161.
20. Williams, 'County and Municipal Government', II, Appendix III, 447ff.
21. W.R.O., 1699/18. I am indebted to Dr Donald Saeth, who provided me with computer print-outs tabulating the persecution of Quakers in Wiltshire, compiled from the Wiltshire sufferings, from Besse, and from the Great Book of Sufferings.
22. D.R.O., Dorset Quaker Sufferings, NQ1/A15, p. 1.
23. This was a very common allegation among Quakers at this time. Marsh, Calne, pp. 173-4.
24. D.R.O., NQ1/A15, pp. 1-2
25. D.R.O., NQ1/A15, p. 3. For Ames (not Amos) Short see Palmer, Nonconformist's Memorial, II, 136-9.
26. B.L. Add. MSS, 32,324, fo. 64.

27. D.R.O., NQ1/A15, pp. 4-5. The Quakers felt that George Fulford should have shown them more indulgence. He was married to the daughter of the Dorset Rumper, John Browne, and was one of the Dorset justices dismissed in 1670, presumably for his opposition to the Conventicle Act. House of Commons, II, 370.
28. P.R.O., PC2/55, p. 85.
29. C.S.P.D. 1660-61, p. 470. Thynne MSS, X, fo. 65. The proclamation also prohibited any religious services outside the parish church or chapel.
30. The Wiltshire Quaker sufferings peak at this time although the Dorset book of sufferings is strangely silent. The number of arrests in Somerset totalled over 200. W.R.O., 1699/18. D.R.O., NQ1/A15. Clifton, Last Popular Rebellion, p. 42.
31. P.R.O., PC2/55, p. 152.
32. These instructions are detailed in part (i).
33. Calendar of Clarendon State Papers, V, 53. The ministers were Will Benn (Dorchester), Francis Bampffield (Sherborne), Joshua Churchill (Fordington near Dorchester), George Thorne (Melcombe), and John Eaton (Bridport). These men became pillars of Dorset nonconformity in the following years. Four of the five are recorded as ministering to nonconformist congregations in the county in 1665. Turner, Original Records, I, 180-1.
34. W.R.O., A1/110, H.1661. Paul Lathom of Warminster was presented for not reading the Book of Common Prayer.
35. P.R.O., SP29/30/29; PC2/55, p. 301.
36. Palmer, Nonconformist's Memorial, III, 223. Sacheverell fared rather better at the real trial. The circuit judge was so impressed by his presence that he asked the court whether there was no man more fit to be singled out for severity in Somerset. The jury under this direction acquitted the minister.
37. Only for Wiltshire are records continuous and reliable throughout the period 1660 to 1678. No seventeenth century sessions rolls survive for Dorset, and in Somerset the indictments (class Q/Si) are not complete before 1666.
38. They were discouraged from this course by secretary of state, Sir Edward Nicholas, who asked them to restrain their persecuting zeal until the Uniformity legislation, then pending, was enacted. Coker to Nicholas, 22 Nov., Nicholas to Coker, 28 Nov., SP29/44/90; SP44/1, p. 21.

39. C.S.P.D. 1661-2, p. 307.
40. P.R.O., PC2/56, pp. 53-8, 185-6.
41. C.S.P.D. 1661-2, p. 428.
42. Sixteen in Dorset, thirty at Salisbury, and eighty-three in Somerset. These figures are taken from a list which covers thirty counties in England and Wales, recording a total of 463 Quakers in gaol. SP29/67/155.
43. Palmer, Nonconformist's Memorial, II, 149-56; III, 175-6.
44. P.R.O., PC2/56, p. 487.
45. P.R.O., PC2/56, pp. 498-501.
46. Robert Hunt to William Bull, 18 July 1663, Bull/Shapwick MSS, DM 155, fo. 96. Palmer, Nonconformist's Memorial, III, 208-10.
47. SP29/80/19.
48. Phelips to Williamson, 6 Feb., C.S.P.D. 1663-4, pp. 471-2.
49. C.S.P.D. 1663-4, p. 237. The use of praemunire against Quakers who refused to take the oaths was not uncommon in the west. Seventeen of the thirty-two Somerset petitioners of September 1663 lay under that charge.
50. SP29/93/8.
51. William Duckett to Henry Muddiman, 14 Oct., SP29/81/99. In fact forty-three men and women were indicted for religious offences at the sessions. These included a few catholics, baptists from Burbage and Milton, and presbyterians from Donhead St Andrew. W.R.O., A1/110, M.1663. By 1663 most dissenting congregations (although not Quakers) had taken to meeting in secluded places, and had adopted the practice of posting sentries to warn of approaching justices. See for example, S.R.O., Q/SR/103, fo. 19.
52. W.R.O., A1/110, H.1664.
53. Sir William Portman and Sir John Warre to Arlington, 15 July, SP29/126/109, with attached note in Clarendon's hand. One of these ministers was Joseph Allein. Palmer, Nonconformist's Memorial, III, 211.
54. Particularly harsh was the treatment of the fifteen or so Quakers who remained in Fisherton Anger gaol. For references to the harassment of nonconformist ministers after the passage of the Five Mile Act see Palmer, Nonconformist's Memorial, II, 123-4, 136, 140-2. C.S.P.D. 1665-6, p. 273.

55. A good instance of this was the leniency shown to Timothy Sacheverell (brother of John) by Sir Gerard Napier, the Dorset justice. Palmer, Nonconformist's Memorial, II, 157.
56. Coker to Nicholas, 22 Nov., SP29/44/90. Coker was probably referring to justices over the border in eastern Somerset as well as those in the Warminster division of west Wiltshire. There were large dissenting congregations along this stretch of the border: North Bradley, Warminster, Trowbridge, Bradford (Wilts); Kilmersdon, Beckington, Frome, Batcombe, and Roade (Somerset).
57. Henchman to Nicholas, 17 Oct. 1661, C.S.P.D. 1661-2, p. 113. The justices excused themselves from acting, by expressing fear of sedition.
58. Warre at Hestercombe (near Taunton), the Phelipses at Montacute, William Walrond at Isle Brewers, and William Helyar at East Coker. Warre's dislike of dissenters had no doubt been nurtured in the house of Francis Wyndham, the royalist conspirator, who was his guardian. House of Commons, III, 672.
59. Warre to Bennet, 20 April, C.S.P.D. 1663-4, p. 116.
60. Speke to Berkeley, 13 May, P.R.O., SP29/73/55; C231/7, p. 203.
61. Bull/Shapwick MSS, DM155, fo. 96. Palmer, Nonconformist's Memorial, III, 167. For the unwillingness of the moderate Anglican gentry to exacerbate religious divisions see Robert Hunt to William Bull, 24 Nov., 12 Dec. 1660, Bull/Shapwick MSS, DM 155, fos. 125, 128. Both these letters express the wish that conciliation rather than confrontation be employed to solve the problems of the age. Hunt hopes that no new parliament will be called and that no new laws be passed.
62. For dissent in the corporations see part (iv).
63. SP29/107/97-101 (papers relating to the case). C.S.P.D. 1664-5, pp. 112, 115, 431. The sheriff was accused of selling the offices of clerk of the peace and deputy sheriff. It appears his means of dismissing Knapton was to demand a £40 fee for continuing him as gaoler. Knapton refused to pay.
64. SP29/143/132.
65. John Maurice to Williamson, 27 Aug., C.S.P.D. 1667, p. 419.
66. John Beale to Williamson, 31 Aug., C.S.P.D. 1667, p. 428. Only four days after this letter was written the duke of Buckingham was restored to all his offices at Court. Only a few days earlier the earl of Clarendon had fallen. Hutton, The Restoration, p. 280.

67. P.R.O., PC2/59, p. 578-9. W.R.O., A1/150/11, M.1667.
In all likelihood this order was intended to pre-empt any further penal legislation against catholics. J.A. Williams, Catholic Recusancy in Wiltshire (London, 1968), p. 19. It is worth noting that the catholic population of the three counties was very low. In all probability it numbered less than 600 adults. Turner, Original Records, I, 127-33, III, 142. The total of recusancy convictions from Somerset and Dorset recorded in the Exchequer between 1663 and 1671 was only eighty. B.L., Add. MSS, 20,739, fos. 20-1, 327-327v.
68. W.R.O., A1/150/11, H. 1668. The Wiltshire justices returned the names of eleven Quakers: John Miller and John Kingman had been convicted of *praemunire* at the Michaelmas 1662 sessions; Walter Penne had first been imprisoned before the gaol delivery of August 1663; and a further seven were the remnants of seventeen who had been arrested by Richard Lewis J.P., and convicted under the Quaker Act at the Trinity 1663 sessions. Between them they had spent over fifty years in Fisherton Anger prison. It appears that they were not immediately released, for they are recorded in the gaol calendar of the Easter 1668 sessions, although not subsequently. W.R.O., A1/110, E. 1668.
69. W.R.O., A1/110, H.1665-M.1670. Quaker suffering statistics provided by Dr Saeth.
70. P.R.O., PC2/60, p. 221. C.S.P.D. 1668-9, p. 481.
71. D.R. Lacey, Dissent and Parliamentary Politics 1661-1689 (New Brunswick, 1969), pp. 60-61. 22 Car.II c.1., Statutes of the Realm, V, 648-51.
72. Lacey, Dissent and Parliamentary Politics, pp. 56-8.
73. Dorset: Sir Gerard Napier, Robert Seymour, Henry Eyret, Michael Harvey, George Hussey (catholic), Roger Clavell†, George Fulford†.
Wiltshire: Sir John Coventry, Edward Seymour, Edward Manningt, George Ayloffe, James Ashet, Alexander Thistlethwaitet, Walter Buckland (catholic), Oliver Nicholas, Sir Walter St John.
† denotes an interregnum justice.
(Also omitted was Michael Malet, a justice in Somerset)
Of the total of seventeen, only Coventry, Malet, St John, Ashe, and Seymour were sitting M.P.s. Harvey was a well known patron of dissent, who harboured a conventicle at his house in Clifton (near Yetminster in north Dorset).
P.R.O., C231/7, pp. 368-70. S.R.O., Q/JC/70. House of Commons I, 673; II, 154, 288, 370, 509-10; III, 7-9, 143-4, 382, 546.
Turner, Original Records, I, 123.
74. Eyre to Sir John Talbot, 11 Aug., SP29/277/204.

75. SP29/277/204; 278/116. Sharrington Talbot (son of Sir John) echoed Eyre's call for the garrisoning of regular troops locally, S. Talbot to Williamson, 20 Aug., SP29/278/22.
76. Seth Ward to the justices of the Warminster and Devizes divisions, 7 Sept., SP29/278/132.
77. C.S.P.D. 1670, p. 448
78. The two most prominent of these were Sir Edward Baynton and Sir Edward Hungerford. W.R.O., A1/110, M.1670-M.1671. Such was the volume of convictions at this time that the clerk of the peace noted them in separate sections of the sessions roll. It was required that conventicle fines be recorded at the sessions so that the third due to the Crown could be fully collected. However, we cannot be sure that all justices were scrupulously honest in this regard.
79. W.R.O., A1/110, E.1671.
80. In Somerset separate conventicle rolls were compiled in 1670 and 1671 (and again in 1673 and 1674). S.R.O., Q/Si/125, 126, 130, 131 (1670-1). Informations on conventicles also survive in the sessions rolls. See Q/SR/114, fos. 34-40, 48. The seven most active persecutors in Somerset were William Bull of Shapwick, Will Helyar of East Coker, Peter Roynon of West Harptree, Sir Hugh Smyth of Ashton Court, Sir Thomas Bridges of Keynsham, George Horner of Mells, and Henry Walrond of Isle Brewers.
81. Anon. to Williamson, 2 July, SP29/277/11. Sir Hugh Wyndham was a notorious enemy of dissent and very active against nonconformity in the House of Commons. In 1667 he was accused of threatening to fine a jury which did not find a *billa vera* against a group of Quakers charged with sedition, and subsequently was a proponent of the second Conventicle Act. His post as collector at the port of Bridgwater is likely to have endeared him no further to the dissenter-smugglers of the north coast of Somerset. House of Commons, III, 776-7. A. Grey, Debates of the House of Commons from the Year 1667 to the Year 1694 (10 vols., 1769), I, 67. The attack is detailed in S.R.O., Q/SR/114, fo. 79.
The Dorset evidence at this period is very limited. Five convictions under the Conventicle Act are recorded in the quarter sessions minute book between October 1670 and May 1671. Sir John Strode, an inveterate opponent of dissent, from Parnham (near Beaminster) was responsible for three of these convictions. Nathaniel Highmore, a high Anglican apothecary from Sherborne, convicted conventiclors at Ryne Intrinsica. The other conviction was recorded by Thomas Baynard. D.R.O., Quarter Sessions M.B. 1669-87.
82. S.R.O., Q/Si/142, 145 (conventicle rolls). W.R.O., A1/110, M.1673-M.1674. In Wiltshire and Somerset the total number of

those convicted in 1673-4 was about two-thirds of that in 1670-1. With a few exceptions the conventicles fined in 1673-4 had been prosecuted in 1670-1. In Dorset there were a further five sets of conventicle convictions recorded between July 1673 and January 1674. Strode, Baynard and Highmore were responsible for four of these. Here the rate of convictions did not fall away as it did in Somerset and Wiltshire, for a further five convictions are recorded between October 1674 and July 1675. But as the rate of conviction recorded in the minute book is so low at this time, it is difficult to read anything into these figures. D.R.O., Quarter Sessions M.B. 1669-1687.

83. W.R.O., A1/110, M.1673-M.1674. W. Doë1, Twenty Golden Candlesticks! (Trowbridge, 1890), cap. I (I am grateful to Dr R. Hutton for this reference). House of Commons, II, 467; III, 143.
84. Williams, Catholic Recusancy in Wiltshire, p. 22.
85. C.T.B., V, 693-8. The recusancy commissioners appear to have been chosen with little care (despite minor alterations). Few west country gentlemen were at all sympathetic to catholicism. The commissioners (mostly justices) reflected almost exactly the religious and political balance on the county benches at the time.
86. P.R.O., E377/70-72. J. Williams, Catholic Recusancy in Wiltshire, pp. 25-8. Andrew Coleby has found that in Hampshire more enthusiasm was shown for convicting recusants at this time (Hampshire had a much larger population of catholics than any of the three counties), Coleby, 'Hampshire', p. 235.
87. Various letters Mews to secretary Coventry, 1674-8, Coventry MSS, VII, fos. 30, 66, 72, 78, 83, 92, 132. It is probable that Mews was behind the Grand Inquest presentment at the Wells assizes of Aug 1678 which directed the attention of the court to conventicles at Chard (where the bishops of Bath and Wells were lords of the manor), at Glastonbury, and in Wells itself. The court instructed the local justices in these areas to execute the Conventicle and Five Mile Acts, but evidence does not survive of any convictions. P.R.O., ASSI 24/23, fo. 10v. The gaol calendar of the Dorset quarter sessions, held at Bridport on 8 October 1678 lists three Quakers, committed by justice George Savage for holding that the taking of oaths was illegal. D.R.O., Quarter Sessions M.B. 1669-1687. In Wiltshire the number of indictments for religious offences in 1678 was at its lowest ebb since 1660. W.R.O., A1/110, H.1678-T.1678.

(iv) The Corporations 1660-1678.

The final section of this survey of the Restoration regime deals with the government of the corporations. (1) The towns of the west country had shown little loyalty to the Stuart cause during the Civil War. At Marlborough, Dorchester and Wells the King's forces were obstructed in 1642. The populations of Taunton and Lyme Regis had heroically withstood royalist sieges, while Bath and Bridgwater were less than supportive of their cavalier governors. In the interregnum the personnel of corporation government had changed little. Although the relations between townsmen and soldiers had not always been smooth, the corporations had shown few signs of disaffection to successive regimes. They had also provided experienced administrators to man the institutions of county government. Almost all the corporations in the three counties had substantial populations of presbyterians and also smaller populations of the more extreme sects. Crucially, the corporations were immune from the intrusions of county government. They exercised their own legal jurisdictions, for all but the most extreme offences, and the selection of councillors, burgesses and officers was by election within the corporation and not by Crown appointment. To the cavalier gentry the corporate towns were offensive liberties, harbouring the schismatical and the disloyal. For these reasons the policy of the Crown towards the corporations, and the effects of this policy, are of central significance to the history of the period. (2)

The local royalists in some areas wasted little time in

trying to alter the balance in the government of the corporations. In August 1660 Robert Foote procured an order from the King for him to replace John Taylor, the 'disaffected' town clerk, at Devizes. This was as a reward for Foote's sufferings in the service of the late King, but the corporation did not act upon the order, and Taylor was actually elected mayor in late September. It did take action in December 1661, however, when the recorder, Robert Aldworth, was dismissed at a meeting of the common council, and replaced by the county J.P. William Yorke. In addition, some time before the summer of 1662 the ex-republican Sir Edward Baynton lost his place as a common councillor. (3) The Dorset coastal corporations admitted a large number of the local gentry. At Lyme Regis eleven new freemen were sworn in May and June 1660, including Sir Courtney Poole and John Strode of Parnham. In the same year two new capital burgesses were created and Sir George Strode was elected as recorder. (4) To the east, at Poole, sixteen notables were made free burgesses before April 1662. (5) But local initiatives had wrought little change by the time of the elections to the Cavalier Parliament. These elections were to have a far more profound effect on the corporations.

At Bath the election was a spectacular defeat for the royalist Anglicans. During 1660 three royalists who had been ejected from the corporation after the Civil War sued out writs of restitution in order to regain their places on the common council. They were rewarded when the council voted that those who had replaced them should be dismissed, and that they be restored to their former positions. But these changes did little to threaten

the domination of those presbyterians on the council who had only recently converted to royalism.(6) Sir Thomas Bridges, of nearby Keynsham, the former royalist governor of the city, viewed with dismay the imminent re-election of the former rebels William Prynne and Alexander Popham by the city's corporation. Bridges proposed to stand with another cavalier, Sir Charles Berkeley of Bruton. However, the mayor, John Ford, announced that the corporation was already engaged to Prynne and Popham, and could elect no other.(7)

Sir Thomas Bridges was nothing if not determined. His lieutenant (and former deputy-governor), Henry Chapman, one of the re-instated royalist councillors (now an alderman), threatened at the end of February that 'he would bring the corporation to its knees and command the mayor as long as he lived'. Early in March Chapman verbally abused the mayor in the guildhall, calling him 'a saucy fellow', and 'reviling him in open court'. Later in the month Bridges himself laid evidence before the the privy council, claiming that the mayor was disaffected.(8) The privy council ordered that three local J.P.s should examine the matter, and mayor Ford was summoned by a warrant, delivered (to his humiliation) in public. But, when Bridges and Ford appeared at the Council Board on 2 April, Prynne's friends prevailed, and the case was dismissed. It appears, in addition, that Bridges received a rebuke for causing faction in the city.(9)

Chapman had hoped to take advantage of the mayor's absence in London. He secured the election precept from sheriff Will Helyar, and intended to execute it, acting as returning officer, before

the mayor could return. In this he was disappointed. Realising that Bridges could not possibly be elected legitimately once the mayor had returned, Chapman conducted an alternative election. He commanded a drum to be beaten in different parts of the city and summoned the freemen to give their votes for Bridges. After the election the, by now, drunken freemen caused disturbances in the city, and threatened the corporation. As a result of this rowdy demonstration, Bridges' petition received little support in parliament. (10)

In September Chapman recommenced his campaign against the presbyterians on the corporation by standing for the mayoralty against John Parker. The election was held on 19 September, the day of the city quarter sessions. Acting on a warrant from Bridges and Sir Hugh Smyth, and on a separate order from two more deputy-lieutenants, Sir Maurice Berkeley and Sir William Bassett of Claverton, he instructed the militia soldiers under his command to arrest four aldermen (including Parker) and seven common councillors at the sessions. William Prynne (re-appointed to the recordership in August) delivered an outraged charge to the court. He stressed the need for unity and deplored the arbitrary use of military power, but Chapman interrupted this homily many times, shouting out on one occasion that he wished Prynne had lost his head where he lost something else (a reference to the savage mutilation Prynne had received for his opposition to Laudianism). Chapman scraped home in the ensuing election by eleven votes to ten. (11)

Naturally, Prynne was furious. He reported the affair to the

privy council, which ordered the immediate release of the prisoners, and summoned Sir Thomas Bridges and Sir Hugh Smyth to appear in London and give a fuller account of these incidents.(12) Meanwhile steps had been taken to deal with Chapman in Bath. On 23 September a second election was staged, and this time Parker gained a seven vote majority. Four days later Chapman was summoned to appear before the mayor, recorder, and justices, to answer for his behaviour. But he told the serjeant-at-mace sent to fetch him that he would not attend, saying that 'they had placed a prick louse lousy (sic) tailor in his place, and that he would not appear before them, but would appeal unto their betters'.(13) Unfortunately for Chapman, 'their betters' viewed his appeal with little sympathy. On examining the evidence at the end of October, the privy council ordered that all division in the city should cease, and that Parker should serve as mayor for the coming year. The King's displeasure at the use of his militia for the propagation of faction earned Henry Chapman dismissal from his post as captain of the city trained bands.(14) The result was a triumph for Prynne and the presbyterians, but the legacy of the dispute was lingering resentment and the desire for revenge among the Anglicans. They did not have long to wait.

Nowhere in the west were the Anglican gentry more comprehensively thwarted than in Bath, but they suffered lesser opposition elsewhere. At Marlborough the corporation refused to co-operate with the powerful Seymour family, who had expected to resume their electoral interest in the town. Only the last minute detachment of three of Thomas Grove's supporters by the Seymour

agent enabled John, Lord Seymour, to win the second seat. The Seymour family was bitter about the disloyalty of the leading burgesses, many of whom 'ought particularly to become tenants to (Lord Seymour)...for waste ground they have taken in'. (15)

It was not only the elections which perturbed the gentry about the corporations. At the end of May the Somerset sheriff, Will Helyar, wrote to the privy council, complaining 'of the seditious behaviour of Taunton, and their disaffection to His Majesty's government'. This referred to the celebration in the town of the anniversary of the raising of the royalist siege on 11 May. In consequence, it was ordered that the attorney-general should prosecute the corporation by a *quo warranto*. (16)

Enough had happened since the Restoration to convince the cavaliers that some concerted action had to be taken against those in power within the corporations. The elections of 1661 had given the cavalier gentry the parliamentary means to bring such action about. (17) The result was the Corporation Bill, introduced into the House of Commons in June 1661. The bill was fiercely contested. One of the chief protagonists in the debates was William Prynne. Although the majority in the Commons for the bill was not large (around fifty), Prynne realised that its progress could not be blocked there. He therefore published an anonymous appeal to the Lords, highlighting the arbitrary nature of the proposed legislation. For this he received a censure from the lower House from which his political career never recovered.

The Corporation Act itself was a compromise between the Crown, which demanded wider and more permanent powers over

corporations, but did not plan a purge; and the cavalier M.P.s, who wished to expel the disloyal and the non-Anglican element from municipal government at a single stroke, after which there would be no need for the interference of central government.(18) The Act provided for groups of commissioners, appointed by the Crown for each county, to effect a purge of the corporations in the year following April 1662. All corporation members were to sign a declaration against the presbyterian Covenant, and to take the oaths of allegiance and supremacy, and an oath of non-resistance to the Crown. Any who refused were to be dismissed. The commissioners also had the power to dismiss any others whom they suspected of disloyalty, and to nominate the replacements for those they had ejected.

The activities of the commissioners in the three counties (conducted almost exclusively between July and November 1662) appear to have been as severe as anywhere in the country. In Somerset this severity was particularly marked. With the exception of the mayor, all the aldermen in the tiny corporation of Chard refused to comply with the conditions of the Act and were dismissed. The commissioners did not appoint any replacements. This prompted the mayor to petition for the revocation of the town's charter, because 'there was no longer a sufficiency of honest men to govern'.(19)

Taunton received condign punishment for its disaffection. 'Several' members of the corporation were dismissed, and again no replacements were appointed. Consequently, the privileges of the charter lapsed (a far more effective way of dissolving the

corporation than a *quo warranto*). The town suffered further punishment when, under royal instructions, the Somerset deputy lieutenants supervised the demolition of the castle there.(20) At Bath the Anglicans gained sweet revenge for the indignities they had suffered in 1661. William Prynne, the recorder, was turned out and replaced by the courtier-soldier Francis, Lord Hawley, of Buckland Sororum. Four aldermen, the chamberlain, a bailiff, both constables, and three common councillors were removed. Out of the eleven who were arrested by Chapman in September 1661, only Robert Sheppard was left on the corporation by November 1662. As replacements, Henry Chapman himself was made a justice, and the commissioners nominated the new aldermen and city officers, but left the selection of the common coucillors to those who remained unpurged. The Anglican triumph was underlined in early November by the creation of Sir Thomas Bridges, Sir Hugh Smyth, Sir George Norton, and Samuel Gorges, as freemen.(21)

In Wiltshire the snub that the Marlborough corporation gave to the Seymour family was similarly avenged; the commissioners who sat in judgement upon the governors of the town being dominated by the Seymour interest.(22) Of the thirteen senior burgesses who formed the common council, eleven (including the mayor, Nathaniel Bayly, the two justices, Thomas Hunt and Will Blissett, and the constable, Sam Bayly) were displaced. Twenty-one of the thirty-seven free burgesses were also ejected.(23) The remodelled corporation was reduced in size: the common council now comprised ten members (all were new to that status, for one of the two unpurged members died and the other refused to take up his

place), and at the same time the body of the free burgesses was reduced to thirty-three. (24)

Devizes, which had earlier attempted to resist outside interference, was treated with little less rigour by the commissioners. (25) Six of fourteen capital burgesses were displaced, John Taylor, the town clerk, was finally removed, and so were fifteen of the common councillors and free burgesses. Here too the size of the corporation was reduced: from seventy-six to sixty-eight. (26) The necessity of regulating Salisbury's corporation had been recognised by the Crown in February 1661. The common council countered by claiming that it was perfectly well disposed to the government, but the mayor, Maurice Greene, thought otherwise. (27) Not surprisingly, the Wiltshire commissioners chose Salisbury as their first target in the county in July 1662. (28) About one-third of all the common councillors were removed, including prominent personalities from the interregnum, such as John Ivie, James Heely (formerly a county justice), and the former mayor and sheriff of Wiltshire, the brewer John Dove, who had been one of the kidnap victims at the start of Penruddock's rebellion in 1655. (29) In contrast, the corporation of Wilton suffered only one dismissal: that of John Rede, the baptist. By 1661 the burgesses already included members of the local gentry, and the royalist courtiers, Sir John Nicholas and Sir John Birkenhead. The continuity at Wilton was almost certainly due to the influence of the earl of Pembroke, whose magnificent house overshadowed the decaying town. (30)

In Dorset the commissioners took the opportunity of their

visits to gain membership of some corporations for themselves. At Poole they dismissed the mayor, John Colbourne, the recorder, William Constantine, the water bailiff Will Minty, and seventeen other burgesses. These were replaced by only eight burgesses from the town, and, in addition, five of the commissioners were created freemen of the corporation (which gave them the right to vote in parliamentary elections).⁽³¹⁾ To the west, at Lyme, four capital burgesses were ejected, and the staunch Anglican Gregory Alford appointed mayor. Among the five new capital burgesses were Sir John Strode of Parnham and Robert Jones, a customs official. Three inferior burgesses were replaced by John Strangways, Humphrey Bishop, and Robert Tyderleigh, three of the commissioners. In total, twelve of the thirteen freemen created at this time were commissioners. As at Poole this entitled them to a vote in elections.⁽³²⁾ Three days earlier the commissioners had drastically purged the small corporation of Bridport. One of the bailiffs (Bridport had no mayor), the recorder, and eight other of the fifteen burgesses were removed, and substituted by an equal number of townsmen. The strong interest of the Strangways family in the town was recognised by the appointment of Giles Strangways as high steward.⁽³³⁾ Another dissenting centre, Dorchester, did not escape the attentions of the commissioners. About half of the town's small governing body was affected by the purge, but provision was made that if any of those capital burgesses were readmitted to the common council they would take precedence over those who had replaced them.⁽³⁴⁾

In terms of their personnel, the corporations of the three

counties suffered an upheaval far greater than any experienced in the long years of civil war and interregnum. Substantial numbers of aldermen, capital burgesses, and free burgesses (or their equivalents) had felt unable to accept the enforcement of Anglican orthodoxy, or unable to swear absolute loyalty to the Crown (unfortunately the records do not permit us to say whether the denial of the Covenant, the non-resisting oath or the oaths of allegiance and supremacy was the major stumbling block). What effect did these widespread changes have upon the government of the corporations?

What they did not do was put an end to internal strife. Less than two years after the regulation trouble flared in Bridport. On 20 August 1664 six capital burgesses voted to remove William Burt and William Balston, two of their colleagues, from the corporation. The reason for their dismissal was recorded in the minute book:

...for several misdemeanours and miscarriages and their disaffection to His Majesty's government and Church now established...and giving encouragement to the disaffected party to slight and give opprobrious and disgraceful language as well as to the bailiffs or one of them, as to the rest of the principal burgesses, which are and always have been faithful and loyal...to continue their places will have most dangerous consequences for His Majesty's government. (35)

Balston had survived the purge of 1662, and Burt had actually been appointed by the commissioners, but now they both sought to reverse the effects of the regulation. In September the privy council received a petition from bailiff Thomas Ellis and the 'principal part of the burgesses'. This informed them of the actions of 20 August and elaborated upon the reasons for the

ejection of Balston and Burt. The disfranchisements were conceived of absolute necessity

to the presevation of His Majesty's authority and the suppression of conventicles and other unlawful assemblies, notwithstanding which, one Henry Browne, combined with divers of the schismatical party in the town to disturb and defeat, if it were possible, the said elections (these were the elections of Arthur Fowke esq. and John Derby to replace Balston and Burt) and to bring in again such members as were formerly ejected for their disaffection to His Majesty's government by the commissioners for regulating corporations, by which means, the petitioners are like to be involved in great suits of Law to their undoing. The town will be divided into factions and the charter itself in danger of being forfeited by several administrations likely to ensue...(36)

The petitioners requested that Browne be summoned to the Council Board, but the resulting order only required him to return a written reply to the charges set out above.

Browne (another of those put in by the commissioners in 1662, and now Ellis' fellow bailiff) had not replied by 11 November, and in the meantime had continued, in defiance of orders from the lord lieutenant and his deputies, to cause trouble in the town. He refused to join with Ellis to swear in Francis Hastings and Will Mayers, the newly elected bailiffs, 'under pretence of a clandestine election' of two other disaffected persons, 'by which means the borough is without government, and conventicles and all manner of disorders (are) daily practiced without control'. In consequence, Browne was finally summoned to appear before the privy council.(37) On 11 January 1665 it was ordered that he and Ellis swear in Hastings and Mayers, in pursuance of a *mandamus* issued in King's Bench. To this Browne and the dissenting party replied with a petition, asking that Balston, Burt, and one

Richard Gibbes be placed as capital burgesses, but, in view of the order made in January, their plea was dismissed.(38)

The result of the factional struggle at Bridport was the grant of a new charter for the town in August 1666.(39) A few significant changes were made to the town's constitution. The elections of the recorder and the town clerk were made subject to royal approval, and provision was made for the creation of up to five local gentlemen as freemen (the residential qualification was that they lived within ten miles of the town).(40) It is not clear whether the struggle ended with the new charter, but if it did continue both parties were exhausted by October 1667, when a set of orders was issued to bring contention to an end. 'The raging controversy over elections' was to be halted, and all charges and recriminations dropped. Anybody who made any 'controversial' reference to the dispute was to give 10s. to the poor of the borough. No money to pay for past law suits concerning the issue was to come from the public stock, William Burt was to be restored as a burgess, and all future disputes were to be settled by the recorder, John Hurding.(41) *Three years of bitter in-fighting* produced a compromise. Town government was settled to the wishes of the Anglican majority on the corporation, but it seems that the large dissenting population had prevented the possibility of a persecuting drive by the municipal justices.(42)

Within the corporations there is very little evidence of the execution of the penal statutes against dissenters.(43) The contempt of the county gaoler, Renaldo Knapton, for the authorities in Dorchester has been noted: 'Dorchester being a

corporate town the county justices cannot act therein, and the officers of the town do not disturb conventicles'. As a result of this leniency, there were seventeen nonconformist ministers living in the town by 1664.(44) The Five Mile Act was the response of the Cavalier Parliament to the immunity that preachers enjoyed in the corporate towns. Although this Act does not seem to have been widely executed, many preachers did choose to leave the towns for more remote communities.(45) However, nonconformity in the corporate towns remained strong. At Lyme in 1667 a large crowd stoned the county under-sheriff and a *posse* of bailiffs who had gone into the town to arrest a former Cromwellian captain for sedition.(46) Poole, with its unmerited county status, exhibited the greatest disdain for the punitive statutes against dissent. The disaffection of Poole had been acknowledged both by the corporation commissioners and the privy council, which had ordered the destruction of the town's fortifications on no less than three occasions.(47) In 1667 the corporation approached the presbyterian Sam Hardy, minister at the Trenchard family's peculiar of Charminster, and engaged him for the chapelry of Poole, which was within the parish of Canford Magna, itself a royal peculiar. The secular and ecclesiastical liberties enjoyed by the town allowed Hardy's large congregation to flourish, free from outside interference. Such was the minister's standing in Poole that he successfully recommended his former employer, Thomas Trenchard, to the freemen during the by-election of 1670. In doing so he blocked the ambitions of the Chancellor of the Exchequer, Lord Ashley, who had designed the seat for his son, Anthony

Ashley.(48) Nothing could be done to remove Hardy from Poole until the Tory Reaction.

The popular support received by the dissenting candidate Michael Harvey at the Weymouth by-election of 1667, threatened defeat for another of Ashley's protégés, Sir John Coventry. The election itself was a riotous affair. The mayor was forced to stop the first poll (the franchise was in the freeholders) several times, and then abandoned it because of the 'hooping, bawling and affronting (of) the magistrates with opprobrious language'. But Harvey's supporters received help from outside. The county sheriff, John Browne, who had been very prominent in Dorset during the interregnum and was a friend of Harvey, ordered that the election should recommence. He had no right to do this, for he had already delivered the precept to the mayor, and was not entitled to act within the corporation, but he continued taking votes until all Harvey's voices had been recorded. Further support was received from the cavalier Strangways family, for whom this was a perfect opportunity to embarrass its arch-enemy. George Strangways duly signed the election indenture returning Harvey.

Although the Committee of Elections and Privileges found in favour of Coventry, the outcome was far from satisfactory for Ashley. It also showed the outspoken strength of wealthy dissenters in the Dorset coastal corporations. The natural unpopularity of Ashley in his native county was increased by his association with the Court. As one wealthy dissenter remarked: 'Sir John will swear 1000 oaths an hour and he is a courtier; Mr Harvey is a sober man, a godly religious person, and our own

country man'. Both Ashley and Sir John Coventry were to exploit such popular sentiments once they had found their very different routes into the opposition. (49)

The dissenters also expressed their hostility to the Court in the Bridgwater election of 1669. Here the presbyterian Sir Francis Rolle stood in opposition to the veteran royalist soldier Peregrine Palmer, and defeated him on the mayor's casting vote (at Bridgwater the franchise was in the corporation). Palmer successfully disputed the result, alleging that

some of those who took upon them to give their voices for Sir Francis Rolle were not elected (capital) burgesses, neither were they acting in a capacity to be made burgesses, being debarred by the Act for Regulating Corporations, and three of them by practice and design brought in the very day of the election, though not qualified according to the Act for Corporations; and being all persons holding conventicles in their houses and resorting to them in others; and refusing to conform or resort to the service of the Church, or receive the sacrament, as the Act does enjoin; and one of them being at the time of his being elected burgess actually excommunicated. (50)

Such an example brings into question the long term success of the Corporation Act in ridding town government of dissenters. The commissioners' powers were short-lived, and after the spring of 1663 it was up to the corporations themselves to ensure that the election of burgesses was regulated according to statute. In the late 1660s the privy council was concerned that the Act was not being implemented satisfactorily. An order was sent out in late September 1668, instructing the corporations that members displaced in 1662 should not be re-admitted unless they subscribed to the the provisions of the Act (i.e. the declaration, the oaths, and the taking of the sacrament). This order did little to prevent

the return of those ejected in 1662. It was either circumvented, by the practice of occasional conformity, or simply ignored. The Devizes order book and the Dorchester corporation minutes both record the order, but within two years prominent members of the pre-1662 councils had been restored in both towns. In Devizes Sir Edward Baynton, John Taylor (who did take the oaths), Job Palmer, and William Hayes were re-admitted during 1669; and by 1670 John Whiteway, Thomas Symonds, Philip Stansby, Ben Gould, and James Samways, were back among the capital burgesses of Dorchester. (51) At Ilchester the bailiffs (equivalents of the mayor) are only recorded as subscribing to the oaths in 1662, 1667, and 1668. (52) A more detailed study would reveal the true extent of the evasion of the Act, but it is clear from the evidence of the Tory Reaction that the statute had ceased to be an effective tool in the regulation of corporations long before the Exclusion Crisis. (53)

In view of this failure is there any indication that alternative measures were taken by central government to control the government of the corporate towns? As far as we can be sure only Shaftesbury (1665), Bridport (1666), Poole (1667), Wilton (1674), Salisbury (1675) and Taunton (1677) received new charters between 1660 and 1678. (54) There was no pattern behind these renewals. At Shaftesbury the new charter was designed to resolve disagreements between the town and the local gentry dating back to the reign of James I. (55) The Bridport charter, as we have seen, was an attempt to settle the dispute over the election of bailiffs, and at Poole a new charter was necessary to indemnify the town for any misdemeanours committed before 1667. Wilton's

new charter of 1674 was the result of disputes over the limits of the corporation. Wilton was a depressed place with a large population of poor living just outside the town boundaries. The 1674 charter annexed neighbouring hamlets into the corporation and empowered the mayor, recorder, and the ten senior burgesses created J.P.s, to erect a house of correction in the town. (56) Similarly, local initiative was responsible for the Salisbury charter of 1675. In May 1672 the common council resolved that the King should be petitioned for a new charter 'to be enlarged in some particulars as by Council Learned in Law shall be thought fit for the better government of the city'. Salisbury had experienced various problems with its administration in the 1660s, particularly the non-attendance of aldermen at council meetings, and the unauthorized admission of free citizens by the committee of revenue. In consequence, the common council was rationalised; the number of assistants being reduced from forty-eight to thirty. (57) Although not part of some greater scheme, the alteration of the charters of these corporations did see a minor extension of the powers of the Crown. The election of recorders and (generally) town clerks was to be subject to royal approval, and all corporation members were to take the oaths on their election. But the latter clause merely supported a parliamentary statute which was being widely ignored. As to the former, a loyal recorder and town clerk did not have much authority when faced by a disloyal corporation. (58)

The chief victim of the Crown's confused policy (or non-policy) toward the corporations was Taunton. The corporate

privileges of the town were effectively terminated by the visit of the corporation commissioners in 1662. This left Taunton without government. The local county justices were too distant and too busy with other affairs to supervise the running of the town. In this free atmosphere, lawlessness and dissent flourished, but Taunton's economy, and the provision of relief for the numerous poor, were badly hit by the absence of any municipal institutions. In 1669 eleven members of the local gentry (of all political shades) petitioned that the town's charter be restored. They asked that the 'recent miscarriages of inferior people' be forgotten, for the late troubles there 'proceeded more from a want of a due and lawful magistracy than from any disaffection to His Majesty's government'.⁽⁵⁹⁾ It was also proposed that the Crown have the right not only to void the election of town clerk and recorder, but also that it should have the power to dissolve the corporation or disfranchise any member at pleasure, although the petitioners desired that this would not be exercised in cases of 'misbehaviour' or 'demerit'. A warrant was signed for the attorney-general to draw up the charter, but no grant was made. It is not clear exactly why proceedings were halted at such a late stage, but it seems that the opposition of some of the local gentry and the bishop of Winchester was sufficient to frustrate the petitioners.⁽⁶⁰⁾

The arrival of Peter Mews at the see of Bath and Wells in 1674 once again focussed attention upon the rebellious town of Taunton. At first he was contemptuous of the attempts of the 'factious crew' to solicit a new charter, but he soon changed his

mind. (61) By 1676 he was convinced that 'were the place reduced to order, which now it can be done by a corporation or a military power...the whole country will be brought to the King's devotion'. (62) At last in 1677 the new charter was granted, but Mews was not entirely satisfied. It was not possible to impose all the proposals in the 1669 draft charter on the town. However, the bishop insisted upon a clause which allowed the assize judges to displace any member of the corporation who had broken the laws of the land and whom they deemed unfit; and on another which permitted the appointment of six county J.P.s to act as associate justices in the town, should the need arise. This was in addition to the Crown's right of veto over the appointment of the recorder. (63) After fifteen years of near anarchy, religious conformity could not be established in Taunton simply by the appointment of municipal justices. Although Mews was confident of the new members of the corporation, he acknowledged the great physical threats attendant on a persecuting campaign, and requested that the authorities in the town be given every encouragement from above. Three county deputies ventured into the town to provide protection for some corporation officers who had been threatened, but they were themselves assaulted, and little more seems to have been done to bring the great St Paul's conventicle to heel before the Tory Reaction. (64)

The problem of the corporations was only partially tackled by central government between 1660 and 1678. That this would be so was inherent in the compromise reached by the Crown and the gentry in the Cavalier House of Commons. The 1661 Act did not prove an

effective instrument for the long term control of corporation personnel. Most towns remained free from outside interference after the visit of the commissioners in 1662. Before the Exclusion Crisis, the jurisdictional liberty of the corporations was an irritating anomaly, thereafter it became a burning political issue.

Footnotes to I. (iv): The Corporations 1660-1678.

1. The towns taken to be fully corporate in this study are Bridport, Dorchester, Lyme, Poole, Shaftesbury, Weymouth, Bath, Bridgwater, Chard, Ilchester, Taunton, Wells, Calne, Chippenham, Devizes, Malmesbury, Marlborough, Salisbury, and Wilton. Other towns, such as Sherborne and Langport, claimed corporation status, but these had either failed to develop effective municipal institutions, or were not widely regarded as jurisdictional liberties. Calne is an example of a town whose, rather dubious, claims to be a corporation were recognised after the Restoration.
2. For the history of the corporate towns during the Civil War and interregnum see J.R. Williams, 'County and Municipal Government 1649-1660'; Underdown, Somerset in the Civil War; A.R. Bayley, Dorset in the Civil War 1642-1660 (Taunton, 1910); S.T. Bindoff, 'Parliamentary History 1529-1688', in V.C.H. Wiltshire, V, 145-155. Williams' detailed study lays heavy stress on the continuity in town government during the interregnum.
3. C.S.P.D. 1660-61, p. 193. W.R.O., Devizes Miscellaneous Entry Book 1660-1688, G20/1/18, fo. 13.
4. Five more freemen were created in the spring of 1661. D.R.O., Lyme Register of Freemen 1569-1835, B7/B6/11.
5. John Morton, Edward Hull, Henry Constantine, William, Lord Herbert, the duke of Richmond, Giles Strangways, Thomas Freke, Thomas Fownes, Humphrey Bishop, Henry Butler, Winston Churchill, William Okeden, John Ryves, Thomas Hussey, William Wake, and George Savage. This was a very distinguished collection, twelve of whom were Dorset justices. Hutchins, Dorset, I, 31-2. Dorchester was careful to treat both the Holles family and the assize judges very liberally at this time. The minute book records that Denzil, Lord Holles, was presented with a gallon of sack and two gallons of French wine on his coming to town in October 1661, and in the following March the assize judge received 'one fat sheep', a bottle of sack, a bottle of claret, and a sugar loaf. D.R.O., Dorchester Corporation Minutes 1656-1677, B2/16/5.
6. The new councillors were Henry Chapman, Robert Chapman, and Sam Wintle. In addition, Robert Hyde was elected recorder, but he renounced this post, and was replaced by William Prynne in August 1661. Bath R.O., Council Minute Book II, 1649-84, pp. 242, 245-7, 249, 265.
7. House of Commons, I, 370.
8. Bath R.O., Council M.B. II, pp. 272-3.

9. P.R.O., PC2/55, p. 162, 191-2. In 1663 Bridges complained to secretary Bennet that he had been rebuked by the privy council for promoting faction, when he was trying to suppress the disaffected. This presumably is a reference to the above incident. SP29/81/16.
10. Bath R.O., Council M.B. II, p. 274. The mayor commanded the disturbances to stop, but was ignored by the revellers. Berkeley took up his seat at Heytesbury soon afterwards, and without his support Bridges' petition stood little chance. House of Commons, I, 371.
11. Bath R.O., Council M.B. II, pp. 275-7.
12. P.R.O., PC2/55, p. 385.
13. Bath R.O., Council M.B. II, pp. 266, 269-70, 277. Only two members of the corporation voted against Chapman's dismissal from the aldermanic bench on 27 September.
14. P.R.O., PC2/55, p. 419.
15. W.R.O., 1300 (Ailesbury MSS), fos. 224-6. B.L., Add. MSS, 32,324, fo. 75.
16. P.R.O., PC2/55, p. 229. The *quo warranto* was a writ which questioned by what right a corporation was entitled to the privileges in its charter. If it was found that any of the stipulations contained in a charter had not been satisfied, then that charter could be declared forfeit. It is not clear how many *quo warranto* actions were started against corporations in the three counties at this time, although it appears that Dorchester successfully defended such a writ in 1662. V.C.H. Dorset, II, 166.
17. The elections in the west country reflected the national trend. Of seventy M.P.s returned to parliament in the spring forty-four were cavaliers, or from cavalier families. Within the corporations the ratio was twenty-four cavaliers to fourteen non-cavaliers. The reasons for the predominance of old royalists are not difficult to divine. Venner's rising, and the early news from London that four presbyterians had been elected gave extra incentive for the cavaliers to stand. Many corporations expressed their loyalty to the Crown by electing an old adherent of the Stuart cause, and many former opponents of the monarchy judged it wise to keep a low profile. In short, the political momentum was with the cavaliers. House of Commons, *passim*.
18. There are brief accounts of the passage of the Corporation Act in Lacey, Dissent and Parliamentary Politics, pp. 35-37; and Hutton, The Restoration, pp. 158-60.

19. Edward Phelps jun. to Henry Muddiman, 1 Nov., C.S.P.D. 1661-1662, p. 539.
20. C.S.P.D. 1661-2, pp. 505, 511. SP29/263/55 I.
21. Bath R.O., Council M.B. II, pp. 319-329. This represented a purge of about half the common councillors.
22. The commissioners at Marlborough were headed by the Hon. Charles Seymour. They included two men closely linked with the Seymour family: John Ernle and Sir George Hungerford (both men married Seymours). The other four comprised three royalists of lesser influence in the county, and Duke Stonehouse from nearby Bedwyn, who had taken no part in the Civil War. W.R.O., Marlborough General Entry Book 1646-65(6), G22/1/22, p. 151. House of Commons, II, 90, 271-2, 614-6; III, 252-3, 491.
23. W.R.O., G22/1/22, pp.151-2. Five of the dissenting Bayly clan were among the eleven common councillors dismissed.
24. W.R.O., G22/1/22, p. 153. Four of the former free burgesses were elevated to the common council. The new council had a strong contingent of lawyers, some of whom were involved with the Seymours. Christopher Lipyatt, Anthony Davis, and William Grinfield, took and appraised the inventory of the goods and credits of Charles Seymour (by then Baron Trowbridge) on his death in 1665. H.M.C., Third Report, Appendix, p. 93.
25. The commissioners acted in two sessions, on the 26 Aug., and 6 Oct. 1662. The cavalier presence was strengthened by the appearance of Henry Coker. W.R.O., G20/1/18, fo. 17. B.L., Add. MSS, 32, 324, fo. 149.
26. There is some uncertainty about the number of removals effected by the commissioners at Devizes. In 1660 ninety-seven men were recorded as corporation members. Twenty-one of these were not listed as taking the oaths in 1662, nor were they among those catalogued as dismissed by the commissioners. Among this twenty-one were several of extreme religious views, such as the baptist Richard Jefferies. We cannot be sure whether they were removed by internal action before August 1662, or whether they were ejected by the commissioners in their first sitting on 26 August. W.R.O., G20/1/18.
27. Greene to Nicholas, 31 Mar. 1661, C.S.P.D. 1660-61, p. 552.
28. As at Devizes, the regulation was carried out in two sittings, on 18 and 23 July. The commissioners who attended at least one of these sessions were bishop Henchman, Charles Seymour, Henry Coker, Duke Stonehouse, George Lowe, Sir George Grobham-Howe, Edward Hyde, Henry Clerke, Sir Thomas

Hall, George Rawleigh, and Richard Lewis. W.R.O., Salisbury Ledger Book D 1640-1743, G23/1/4 fos. 135-6.

29. The common council at Salisbury consisted of a mayor, twenty-three aldermen, and forty-eight assistants. Soon after the regulation the earl of Clarendon (who owned the Clarendon Park estate just outside the city) was created high steward. W.R.O., G23/1/4, fo. 137.
30. Sir John Birkenhead was one of the town's M.P.s, and Nicholas had resigned his seat there in the summer of 1661. W.R.O., Wilton General Entry Book 1454-1705, G25/1/21.
31. J. Sydenham, History of the Town and County of Poole (London, 1839), p. 198. Hutchins, Dorset, I, 22, 31-2. The new freemen were Sir John Strode, Matthew Davis, Sir Ralph Bankes, John Churchill, col. Robert Lawrence (as well as capt. John Lawrence, not a commissioner). In addition, the county J.P. Anthony Ettrick was appointed recorder, replacing the presbyterian William Constantine. House of Commons, I, 219.
32. The freemen were John Strangways, Humphrey Bishop, Robert Tyderleigh, Thomas Orchard (not a commissioner), Sir Gerard Napier, Sir Ralph Bankes, Giles Strangways, Matthew Davis, Henry Whittaker, Robert Culliford, John Churchill, Anthony Ettrick, and Thomas Fownes. D.R.O., B7/B6/11, p. 24. Misc. Letters of the Corporation (letter from the commissioners of 3 Sept. and record of their actions, dated 10 Oct.), B7/D2/1.
33. D.R.O., Red Book called Domesday 1453-1817, B3/H1, p. 469. According to Bridport's charter, no outsiders could be made freemen, and this clause was respected.
34. D.R.O., B2/16/5. Seven capital burgesses chosen by the commissioners were sworn in on 1 October. A few miles to the south at Weymouth four aldermen were replaced by those who had formerly been ejected for royalism. Moule, Descriptive Catalogue, p. 119.
35. D.R.O., B3/H1, p. 479.
36. P.R.O., PC2/57, p. 230.
37. P.R.O., PC2/57, pp. 268-9.
38. P.R.O., PC2/58, pp. 13, 62. A *mandamus* was a judicial order in the form of a writ in the King's name. The entry in the Bridport minute book is curious. It records the privy council letter as resolving the controversy of the election of bailiffs between 'the county of Dorset and Bridport'. This suggests the involvement of the county gentry (probably the Strangways family) in the affair, on the side of the Anglicans in the corporation. Also curious is the entry that Francis Hastings and Henry Browne were sworn bailiffs,

hinting that the Anglicans were forced to compromise, despite the order from the privy council and the *mandamus*. D.R.O., B3/H1, p. 480.

39. Not August 1667, as stated in Hutchins, Dorset, II, 7; and House of Commons, I, 212. P.R.O., C66/3085.
40. Hutchins, Dorset, II, 7.
41. D.R.O., B3/H1, p. 485.
42. D.R.O., NQ1/A15, pp. 6-12. The turbulence of the economically depressed town was demonstrated by the notorious hearth tax riot in February 1668. By this time the harbour at Bridport was badly silted, and the town was forced to rely on chandling, particularly rope manufacture. House of Commons, I, 212.
43. Only the Quakers seem to have been persecuted in any numbers in the towns. Moule, Descriptive Catalogue, Class VII, Church Affairs. In 1669 the Salisbury corporation produced an order requiring the attendance of parishioners at St Edmund's church for Sunday service. This was at the instigation of bishop Seth Ward, and appears to have been aimed not so much at dissenters as the irreligious, absenting themselves on the excuse that no sermons were preached in the church, because no preachers were paid. W.R.O., G23/1/4, fo. 176.
44. SP29/107/99.
45. Palmer, Nonconformist's Memorial, II; III, *passim*.
46. Anthony Thorold to James Hickes, 6 April, C.S.P.D. 1667, p. 16.
47. P.R.O., PC2/55, p. 562; PC2/57, p. 37. C.S.P.D. 1664-5, p. 553.
48. Palmer, Nonconformist's Memorial, II, 145-7. Poole obtained a new charter in 1667. The most important new clause was that which stated that no *quo warranto* should issue out against the town for any miscarriages dating from before 1667. Sydenham, Poole, pp. 200-2. P.R.O., C66/3096. The indemnity clause suggests that the Crown was blackmailing the town. Poole would have had to pay substantial fees for the re-grant.
49. The mayor and corporation's case is contained in W.R.O., (Troyte, Bullock, Grove MSS) 865/476.
50. House of Commons, I, 372.

51. W.R.O., G20/1/18. D.R.O., B2/16/5. Taylor was the town clerk of Devizes who resisted the royal order to remove him until the arrival of the commissioners.
52. S.R.O., DD/PH/223, fo. 201.
53. See below, cap II, part (ii).
54. Calne, desperate to have its corporation status recognised, took measures to have its charter renewed. In September 1673 the council agreed that the town guild stewards go to consult with Mr Stevens, steward of the royal manor of Ogbourne, of which the town was a part, about the renewal of the charter. Marsh, Calne, p.56, holds that a new charter had been granted by 1674, although I can find no other reference to this, and a search through the index to the patent rolls of this period proved fruitless. W.R.O., Calne Guild Stewards' Book 1561-1814, G18/1/1, p. 191.
55. C.H. Mayo, Municipal Records of the Borough of Shaftesbury (Sherborne, 1889), pp. 10-12. The attorney-general brought a *quo warranto* against Shaftesbury for 'defects in the former charter'; presumably those responsible for the prolonged litigation in the past.
56. W.R.O., Wilton Miscellaneous Documents 1584-1768, draft charter dated 23 May 1674, and copy of charter, G25/1/19.
57. W.R.O., G23/1/4, fos. 189v, 193, 200, 206.
58. The warrant issued in 1661 ordering that all future charters should reserve the right to the Crown of voiding the election of town clerk, recorder, and aldermen, and in addition that the parliamentary franchise should rest only in the common council, was the basis of a programme which was never carried out. C.S.P.D. 1660-61, p. 582.
59. The gentlemen were Sir John Sydenham, Sir William Wyndham, Sir William Portman, Francis Poulet, Peregrine Palmer, Edward Court, Henry Rogers, James Prowse, George Trevelyan, Sir John Malet, and George Speke. SP29/263/55 I.
60. The bishop of Winchester was the lord of Taunton Deane, and in the absence of a corporation collected the market tolls. Clifton, The Last Popular Rebellion, p.44. SP29/263/55 VI.
61. Mews to Coventry, 22 June 1674, Coventry MSS, VII, fo. 30.
62. Mews to Coventry, 29 May 1676, Coventry MSS, VII, fo. 66.
63. SP44/40A, pp. 210-12.
64. Mews to Coventry, 12 and 19 Nov. 1677, Coventry MSS, VII, fos. 128, 130v.

II THE EXCLUSION CRISIS AND TORY REACTION.

(i) Politics and the Government of the Counties 1679-85.

The political crisis precipitated by the discovery of the Popish plot in the autumn of 1678, changed the face of English local government. The emergence of an opposition movement, greater than had been seen since the Restoration, polarised local politics, and ensured that social status ceased to be a sufficient qualification for an active role in shire administration. The Crown was no longer content, or indeed able, to maintain a political and religious balance in the provinces, however precarious. Instead, central government put all its trust in the Anglican, loyalist gentry: its natural supporters. So strong was the resultant bond that in the last years of Charles II's reign the Stuart monarchy reached the apogee of its power, only for this achievement to be dashed by the ineptitude of a younger brother who had waited too long for his day.

(a) The Political Background: The 1670s

Introduction

The intricacies of the growth of opposition to Charles' government during the 1670s would require a separate study to do them justice. Many contemporaries believed that between 1679 and 1681 England was on the verge of another civil war. The political nation, which had appeared so harmoniously united in 1660, now seemed fractured beyond peaceful repair: how had this happened?

The conventional view, espoused by historians of central

government and of parliament, presents the crisis as the logical conclusion of the long build-up of tension between the Court and the provincial gentry, which the emotive issue of the plot released in a destructive torrent. From the early 1660s, when exaggerated stories first leaked into the localities, the corruption of the Court became a by-word. The humiliation of the second Dutch War was blamed by the country squires on speculation and mismanagement, and Clarendon was duly offered up as the first great ministerial sacrifice of the reign. The five very different ministers who formed the nebulous Cabal evoked even less enthusiasm. Religious, financial and foreign policy took so many twists as to become totally incomprehensible to the countrymen M.P.s in the Cavalier Parliament. The 'Triple Alliance' against the hated French was swiftly followed by alliance with France and another unsuccessful war against the Dutch. The government actively encouraged a campaign to eradicate religious dissent during 1670 and 1671, and just as suddenly produced an unparliamentary Declaration of Indulgence to permit freedom of worship. The Declaration was rescinded under heavy pressure in 1673, but in that year it became known that the heir to the throne and Lord Treasurer Clifford were catholics. In 1674, a new all powerful minister, the earl of Danby, gained ascendancy as the Cabal fell, in disgrace. Danby, fully aware that the Cavalier Parliament was highly suspicious of the vagaries of Crown policy, set out to woo the country M.P.s by ostentatiously pursuing Anglican-conservative policies at home, while adopting a hostile posture to the French abroad. At the same time, he used patronage

and bribery to create a bloc of supporters in the Commons, loyal to the government: places and pensions for votes. Few put much confidence in his sincerity, and many seethed with resentment at his domination and misuse of patronage power. Accounting for the atavistic, almost Elizabethan, mentality of most county squires, this suspicion is easy to understand. If such a shrewd insider as Lord Ashley did not have a full grasp of the foreign policy machinations between 1670 and 1672, how much more confused would be a Dorsetshire squire? This survey is, of course, simplified, but a close study of the composition and of Court and opposition groupings in the west country suggests that modification, or at least a change of emphasis, is needed. (1)

Court and Opposition Groups 1673-1678.

Did the 1670s, as A.M. Coleby suggests, witness the creation of an ever-widening divide between Court and Country: a split in the constituencies between Court dependants and countrymen, who felt increasingly alienated from the royal administration? (2).

Despite the very large number of parliamentary seats in Dorset, Somerset and Wiltshire (seventy in all), relatively few of the M.P.s of the 1670s were outsiders. Of the eighty-four members who sat between 1674 and 1678, only sixteen were non-residents of or not native to the three counties, and of these only eleven can be regarded as consistent supporters of the Court. (3) The other five included Sir Eliab Harvey, one of the Court's most vocal opponents. According to the earl of Shaftesbury's working list of 1677-8 (correcting some misapprehensions), thirty-one of the

seventy M.P.s seem to have been regular supporters of the Court.

(4) Another five or six emerged as supporters before the election of February 1679. (5) It is more difficult to identify the number of opponents, although the figure is unlikely to have been greater than thirty. Those in whom Shaftesbury placed greatest confidence (designated triply-worthy), totalled only ten.

Nineteen of the Court supporters were locally-resident commissioned justices, while John Hunt was the son of a Somerset justice and Wadham Strangways was brother of Thomas, who had assumed the leadership of the clan. These were no honorary justices. All but one attended quarter sessions between 1673 and 1678. (6) Sir John Strode (Dorset County), Robert Hyde (Hindon), Jeffrey Daniel (Marlborough), Richard Lewis (Westbury), and the Phelipses (Somerset County and Ilchester), were amongst the most active magistrates in their respective shires, and, with the exception of Hyde, were genuine countrymen.

The assorted group of opponents contained fourteen justices. (7) Only eight of these attended a sessions over the same period. In Dorset Thomas Browne (County) and Henry Whittaker (Shaftesbury) were very active, amassing twenty-three sessions' appearances between them. Almost as active were the irascible old commonwealthsman, Sir Edward Baynton (Devizes), and Sir Thomas Mompesson (Wilton), the interregnum royalist. (8) Although attendance at sessions is not necessarily a guide to magisterial activity, the fact that Court-supporting M.P.s attended more quarter sessions than those in opposition warns against making too sharp a distinction between Court and Country

members in the final years of the Cavalier Parliament. As a body, the supporters of central government were as active and as interested in local government as their opponents in the Commons.

This corrective should not obscure the fact that there were eleven outsiders representing seats in the three counties, who had sound pecuniary reasons for supporting Danby's regime; and that it was not only outsiders who were beneficiaries of Whitehall's largesse. A pamphlet of 1678, entitled '*A Seasonable Argument to persuade all the Grand Juries in England to Petition for a New Parliament...*', named twenty-five M.P.s in the area, 'who have betrayed their country to the conspirators and bargained with them to maintain a Popish standing army under the bigotted Duke'. Ten of the outsiders were present in this catalogue of corruption, but they are joined by fifteen residents or natives, ten of whom were justices and five deputy-lieutenants. (9) Ten of the leading figures in local administration were perceived by the opposition as having profitable links with the Court during 1678. This, however, does not account for all the support the government received from west country M.P.s. Although the Strangways family had been connected with Danby before the death of Giles Strangways in 1675, there is little to suggest that they profited greatly from this association after the latter's demise, or that their support was being bought with promises. In the by-election for the county seat in 1675, the family interest was put at the disposal of John, Lord Digby, and ensured his crushing victory over Shaftesbury's dissenter candidate Thomas Moore (10) But the interest was maintained and used principally for the benefit of

the family, and candidates were endorsed not so much for their political opinions as for reasons of kinship and long-standing family friendship. The Strangways supported the Court, but they were not in the business of providing lobby-fodder. (11) Like the Dorset Strodes (their kinsmen), the Phelipses, the Palmers and the Hunts in Somerset, and Richard Lewis in Wiltshire, their support was based on Anglican, squirearch loyalty to Church and King. These were the country cavaliers who remained loyal to Charles. Outside parliament there was a large group of justices who shared their views. The Stawells, Helyars, Walronds, Cokers and Lamberts, who benefited little from the Court, were, nevertheless, staunch supporters of the Stuarts, and belonged to the experienced and active core of the administration of their counties. Without these men there could have been no Tory Reaction. (12)

Having established that a large proportion of what can be termed as the Court group in the Commons possessed unimpeachable 'Country' credentials, what can be said of the opposition M.P.s? Firstly, it is, of course, not possible to consider every M.P. outside the Court group as part of the opposition. Some members made no revealing speeches, and cannot be judged on their subsequent actions. Those marked by Shaftesbury with a 'w' often had no more claim to worthiness than a lack of connexion with the Court (if no certain evidence survives an M.P. shall not be counted as a member of the opposition). Twenty-eight M.P.s can be positively identified as opponents of the Court in 1678. (13) Interestingly, eleven of these had royalist backgrounds, and had joined the opposition to the Court for various reasons. Sir

Thomas Mompesson (Wilton) had fled the country because of his involvement in Penruddock's rebellion in 1655, but he had cut his links with the Court after the dismissal of his patron, secretary Sir Edward Nicholas, in 1662, and had been drawn into the orbit of the maverick earls of Pembroke at Wilton House. Similarly, Sir John Coventry was alienated by the duke of Ormonde's loss of favour at Court in the late 1660s, and in 1670 he was dismissed from the bench for his views on the second Conventicle Act. (14) In the same year he became the darling of the opposition. Having made accusations about some of the King's less acceptable extra-curricular bedtime activities, he was attacked by some Court blades, and ostentatiously sported the nasal injury he received as if it were a political virility symbol. In 1675 Pembroke, the lord lieutenant of Wiltshire, put his name forward for a deputy lieutenant, but this nomination was, not surprisingly, rejected by the Crown. Coventry remained far more a frustrated courtier than a countryman. (15)

Sir John Morton (Poole) was a natural royalist. He inherited huge debts as a result of his father's sequestration, and only saved himself from ruin by obtaining a Privy Chamber post, which he managed to maintain until 1685. Despite this, he was one of a number of M.P.s who seemed temperamentally, rather than philosophically, inclined to opposition. Choleric, splenetic, and occasionally violent, it is difficult to credit him with any guiding political principles. (16) From the same county, John Tregonwell (Corfe), of Anderson, became a dilettante critic of the Court after the failure of a proposed marriage alliance with Lord

Berkeley of Stratton. (17)

The Malet brothers, Sir John (Minehead) and Michael (Milborne Port), had an impressive royalist pedigree, but shared hostility towards catholics, the high church and standing armies. Michael, who can charitably be described as temperamental, was the most vociferous of all opponents of the Court. Unfortunately, his obsessions finally tipped him into insanity in 1678. Sir John was more moderate. A painstaking collector of information and documents to support his arguments and inform his speeches, he was a regular correspondent of Shaftesbury, and of the earl of Essex in Ireland. Less easy to gauge is Sir John Sydenham. He was dismissed from the bench for reasons unknown in 1668 having been defeated by the courtier Sir John Warre at the Somerset county by-election in 1666. On Warre's death in 1669, he took the seat without a contest. (18)

The rest of the opposition was equally varied. Two or three came from neutralist backgrounds. The most important of these was Thomas Bennet (Shaftesbury), who became the earl of Shaftesbury's notorious henchman towards the end of the parliament.(19) Around half the opposition M.P.s came from Parliamentary families. Sir Joseph (Downton) and William Ashe (Heytesbury) were descendants of the great clothier sequestrator, John Ashe.(20) Sir Edward Baynton K.B., who finally got himself into the Cavalier Parliament at the Devizes by-election of 1675, had been a renowned republican, who made his peace at the Restoration, yet was under heavy suspicion in the 1660s. Along with Coventry, his name was laid aside from Pembroke's list of deputy-lieutenants in 1675. On

his election, he commenced an outspokenly critical parliamentary career.(21) Another to enter the House in 1675, was Sir George Speke (Bath), whose views on religious toleration had been engendered by a mother of Independent beliefs.(22) Henry Henley (Lyme), a merchant, had been a prominent figure in Dorset during the interregnum. After the Restoration he was a leading dissenter, and, naturally, a great opponent of the penal code.(23)

All the opposition M.P.s shared one thing: a detestation of catholicism. They also shared this with the majority of the Court group. Of the recusancy commissioners appointed in March 1675, twenty-one were, or were to become, opponents of the government in the Cavalier Parliament, while twenty were Court-supporting members. (24) Over half of the opposition was openly committed to the cause of religious toleration for dissenting protestants and most of the others were sympathetic to this ideal. Indeed, apart from the tendency toward mental instability amongst certain members of the opposition, the only striking difference, in either background or outlook, between the two loose groupings in the Cavalier Parliament, was their attitude to protestant dissent.

Elections 1673-1678.

How did the by-elections of the 1670s change the balance of the west country's representation in parliament? Did the Court succeed in placing its supporters in vacant seats, and how organised was opposition to such manipulation in the west country?

Between early 1673 and 1678 there were twenty-five by-elections, which represented a turn-over of above one-third in the region's M.P.s. The first ten of these occurred in 1673, when

Shaftesbury was still Lord Chancellor. The Strangways family believed that the earl was abusing his power to control the issuing of election writs; and, after Giles Strangways mounted a spirited campaign in the Commons, six of the results were subsequently voided.(25) Giles Strangways was principally concerned with the results at Poole and Weymouth, and the other four voided election results were unchanged, the Court candidates being universally successful.(26) In the elections which were not voided, locally based Court supporters were returned at Malmesbury and Minehead, but the future whig John Hall took Wells, and Salisbury returned its recorder William Swanton.(27) The Court had controlled seven of the elections and secured the return of five outsiders.

By 1675 the earl of Shaftesbury, now in opposition, was preparing for a very different kind of campaign. The principal Dorset gentry, whose opposition to central government had been largely a result of Shaftesbury's prominence, were now aligned with the Court. The Dorset County by-election was a test of strength for Shaftesbury, and throws much light upon the genesis of the opposition electoral tactics and organisation, which eventually brought success in the three general elections of 1679-1681.

The natural successor to Giles Strangways for the county seat was John, Lord Digby. He was the son of the earl of Bristol, whose attack on Clarendon in 1663 had ended in disgrace and oblivion. If the old earl's recusancy and petulance had not excluded him from office, and if his son had possessed a stronger

personality, the Digbys would have eclipsed the Strangways as the shire's leading family, but, even so, under the energetic stewardship of the able lawyer Hugh Hodges, their interest was considerable. (28) Through Hodges, excellent relations were maintained with the Strangways, who did not hesitate to support Digby in 1675. (29) Digby's candidacy was certainly not the result of Court initiative, for only after he accepted his peerage did he become an adherent of Danby. He wished only to claim the county seat he believed to be his birthright. It was Shaftesbury's attempt to find a suitable opponent that gave the campaign a political dimension.

On the death of Giles Strangways, a government informer confidently expected that Digby would be unopposed. The Court supporter Sir Nathaniel Napier was not weighty enough, and the wealthy country squires who were known to be supporters of toleration had no inclination to stand, nor had the dissenter Michael Harvey, who had been defeated by Sir John Coventry at Weymouth in 1667. (30) This was in late July, but by the end of August Shaftesbury was heavily involved, both in the campaign and in a bitter personal dispute with Digby. For the details we are reliant on one of Shaftesbury's few surviving letters concerning his local political activities in the period. (31)

Shaftesbury's account is somewhat disingenuous, being more concerned with the generation of favourable publicity than with the propagation of the truth. Rumours circulating in early 1675 that Giles Strangways would be elevated to the Lords were strong enough to promote serious debate as to his successor. At the

county assizes, Shaftesbury was encouraged by 'the gentlemen of the county to concur' in their choice of Digby. The earl maintained afterwards that he replied that he could not commit himself until he knew whether his friend Thomas Freke intended to stand. After this point Shaftesbury's account is untrustworthy. Freke made public his disinclination to stand, and placed the earl in an awkward position. He was left with no alternative candidate to oppose the Sherborne interest, but could not be seen to cast around desperately in his search for a replacement for Freke; nor could he long evade Digby's request for support without making it perfectly obvious that he was trying to create a faction. What he needed most of all was time, and this he manufactured with a cunning scheme that was beyond formal suspicion. He casually suggested, at two separate social gatherings in the west of the county, that the gentlemen of the western division should meet with those of the eastern at Blandford Forum (close to his own estate at Wimborne St Giles) to elect Digby in a friendly and unanimous spirit. It is difficult to believe that Shaftesbury ever expected this scheme to be accepted by the gentlemen of the west. As we have seen the location of county meetings to settle taxation and the militia was a matter of honour for the divisions of the western counties, and had caused considerable friction in the past. (32) The earl was now armed with his excuse: he was not formally obliged to Digby, but he had done his utmost to bring about the magnate's speedy election, only to be spurned by the county gentlemen.

Shaftesbury's version now taxes the credulity still

further. The day after his suggestion had been rejected, he received some 'surprise' information that 'Lord Digby may not prove as some of us expected', citing a client, Henry Whittaker, as a witness. Either Shaftesbury's intelligence of his native county was incredibly weak, or he was lying: Digby's disposition must have been well known to him. He had ~~now~~ provided himself with a suitable reason for opposing Digby; and now persuaded the dissenter Thomas Moore to stand, hoping to harness the support of nonconformist freeholders with whatever Anglican voters he could win, through the dissemination of anti-Digby and anti-Court propaganda.

The propaganda campaign was given a filip by a 'chance' meeting with Digby at a hunting lodge, which developed into a stand-up row in front of many of the county's leading gentry. Perhaps it is too cynical to suggest that Shaftesbury stage-managed this confrontation, but the circumstances of the argument were certainly in the earl's favour. Digby launched a furious verbal assault: he was for King and country, why had Shaftesbury withdrawn his support? Surely, the earl must be in opposition to the King, and for a commonwealth. Shaftesbury was given the perfect opportunity to put all his machinations of the last month to good use, in front of the shire's most influential men. He replied that he had supported Digby, but with little encouragement, until information had come into his hands that the Lord 'kept a correspondence with and was of the interest with some persons he knew well of', and that until it could be proved that this discourse was honest, it was a personal injury for Digby to

expect his support. The eventual result of this ill-tempered meeting was a successful suit of *scandalam magnatum* brought by the earl, but, in the short term, he failed to persuade the gentry of the county to vote for Moore. (33)

The poll, held on October 19 was a glittering triumph for Digby, who recorded 1,720 votes to Moore's 520, 'much to the trouble of the nonconformist party who were confident of their strength for Mr Moore'. (34) This was not a classic Court versus Country contest, indeed, only four of the twenty-five elections can really be characterized as such, but Shaftesbury had certainly made appeals to Country sentiments, only to find the country gentry perfectly well satisfied with Digby's candidature.

The other elections of 1675 brought more cheer to the opposition. Sir George Speke's religious views gained sufficient sympathy in the Bath corporation to defeat the recorder Edward Neville. (35) Sir Edward Baynton had no rival at Devizes, nor did Shaftesbury's candidate Henry Eyre at Downton. (36) The Wiltshire county election also failed to produce a contest. The duke of Somerset could find no good reason for opposing Thomas Thynne's nominee, his brother-in-law, Sir Richard Grobham Howe, who was inclined toward the opposition. (37)

There were no more elections in the region until 1677, when once again the Dorset county seat provoked the most interest. This election demonstrates that there was certainly not an irreconcilable split in the county between Court and opposition factions. Shaftesbury had tried to persuade his friend, Thomas Browne to stand in 1675, and this time the squire agreed to

contest the seat with the less formidable Sir Nathaniel Napier. Although Browne was a moderate opponent of the Court, he was a cousin and close friend of Thomas Strangways, who willingly supported him. Napier, a Court supporter, attempted to spend his way to victory, but the poll was inconclusive: 'They as two cocks wheel and fight. They have each lost it by voices two or three times, and send into the country for fresh ones'. (38) In the end, sheriff Every had no option but to make a double return. While the county awaited the re-match, Napier attempted to exploit the fact that Browne's father had been a sequestrator, by appealing to the cavalier gentry. This tactic backfired. Thomas Strangways put up such a spirited defence of Browne that Napier did not think it worth his while to re-contest the issue. (39)

In the same year two opposition members succeeded their fathers at Shaftesbury and Dorchester. (40) At Hindon, in Wiltshire, speaker Edward Seymour's influence guaranteed the election of Robert Hyde from nearby Dinton. Bridport held two elections in 1677. The first was won by the free-spending merchant and Court dependant, George Bowerman. Such was his desire to purchase a seat that he even frightened off the mighty Strangways family from entering the contest in their most secure borough. They did not have long to wait, however, for Wadham Strangways was elected to the second seat later in the year. (41) The election at Corfe Castle was one striking example of a local justice working in direct co-operation with the Court. Anthony Ettrick, in later years an avid tory, whose family was heavily involved in the attack on Poole's charter in 1683, won the seat and then resigned

it in favour of Edward Osborne, Viscount Latimer, Danby's son. This was certainly the most blatant case of electoral manipulation in the region during this period. (42)

No clearer pattern emerged from the elections of 1677 than had done from those of 1675. There is no evidence that the opposition had convinced the county gentry of their case against the Court, and certainly no indication of an overriding animus against central government amongst the rulers of the three shires. During the last year of the Cavalier Parliament there were only two elections. Henry Bertie, the courtier, defeated the nonconformist sympathiser William Trenchard in the corrupt borough of Westbury, and although a country candidate was elected at Downton, he defeated Shaftesbury's own nominee. (43) So close to Wimborne St Giles, this cannot have been very encouraging for the earl.

In total, between 1673 and 1678 fourteen Court supporters had been elected, of whom seven were non-resident. Shaftesbury had been notably more successful organising the election of Court candidates in 1673, than in his subsequent efforts to mobilise support for the opposition cause in Dorset and south Wiltshire. But it would be impossible to assess the strength of opposition feeling or organisation amongst the gentry, from by-election performances alone. The evidence is too slight to gain a full picture of the opposition group among the gentry outside parliament, but we can infer that it was well-knit, if small in number. In Dorset it was centred upon the three Thomases: Freke,

Browne and Moore, and could count on considerable dissenter support outside the ranks of the gentry. Although the two Shaftesbury M.P.s, Thomas Bennet and Henry Whittaker, were industrious outside the House in the earl's name, opposition in the west was not synonymous with Achitophel.

In Somerset there was a great nexus of once-powerful, dissatisfied families, who surged back to prominence during the Exclusion Crisis. The Spekes of Whitelackington, in the south of the county, were examples of that most dangerous species of opponent - the alienated royalists. They were connected by marriage with the dissenting Trenchard and Jennings families, who had been active in local administration during the Civil War and interregnum. This clan had resident representatives in London, and was on very good terms with the Malet brothers on the north Somerset coast. (44)

In Wiltshire Wilton House and Longleat harboured two potentially powerful opponents of the government, but their effectiveness was impaired by personal weaknesses. It is also well worth noting the fact that the quarter sessions of 1677 and 1678 were attended by groups of magistrates later to become exclusionists, some of whom had links with the earl of Shaftesbury. At the Hilary 1677 sessions, Samuel Eyre, Sir Thomas Mompesson and Charles Raleigh were among J.P.s who found in favour of the earl's request that his contribution to the poor rate of Barwick St John should be reduced. (45) Court supporters attended at this time in equal numbers, so it cannot be suggested that the opponents of the government dominated the sessions; merely that

they were in regular contact with justices from other divisions, and had ample opportunity to discuss political developments at formal administrative meetings.

The opposition, varied as it was, could play on the suspicions of countrymen, but it needed a single emotive issue, an enormous propaganda coup, to lend decisive credence to its criticisms of the government. Even then, the resilience of the government's existing support among the county gentry, which this section has emphasized, and the King's stubborn determination, put ultimate victory beyond the opposition's reach.

(b) The Exclusion Crisis: 1679-1681

The Ramifications of the Popish Plot.

The uncovering of the 'Popish Plot', in the autumn of 1678, brought to the surface the anxieties shared by almost all protestant Englishmen since 1673, when it had become obvious that the heir to the throne was a catholic. These fears were remorselessly exploited by opposition leaders wishing to implicate Danby's regime in the horrifying scheme. Once the ambitious envoy Montagu had supplied the information that Danby had been involved in secret correspondence with the French Court, the earl's credibility as an anti-papist, and as a francophobe, was shattered beyond dispute.(46) It was easy in these circumstances for fertile minds to construct a damning scenario involving Danby, the army (raised for a non-existent war against France and still afoot),

and the duke of York. More dangerous than parliamentary rhetoric were provincial realities.

At Devizes, Marlborough, and Wolfhall, Wiltshiremen could point to the manifestation of the Court's insidious plans for arbitrary government. There, units of the standing army were causing considerable nuisance and alarm. The order to disband these forces came in January 1679, but by then the damage had been done.(47) The dismissal of William Trenchard and Sam Ashe from the bench during 1678 for their opposition to the government must have caused fears of a purge of the magistracy.(48) Sir Edward Baynton had preceded them in 1677, paying the full price for his outspokenness(49) It is unlikely that the earl of Pembroke's friends were not informed in January 1679 that he had been instructed to send lists of the militia deputies and officers under his command up to London.(50)

There was, in addition, the total hysteria caused by the news of the plot. In the far north east of Wiltshire there were reports of large nocturnal meetings of horsemen, and similar gatherings were rumoured further to the south. Pembroke was ordered to station guards on certain bridges, and to take up all suspected persons. The Dorset militia was on foot for over a month during the autumn and winter.(51) On December 20 1678 a proclamation was issued at the behest of parliament to disarm and secure all papists and suspected papists, to administer the oaths and take sureties for good behaviour.(52) Central government was in an unenviable position. If it ignored the full horror of the

plot it could be accused of negligence, or worse, of complicity in the schemes of the papists. On the other hand, by taking, or being seen to take the whole contrivance seriously, it conferred specious veracity upon Oates' accusations, only prolonging the hysteria. Nowhere was the panic worse than in Somerset. The wool trade around Bridgwater was brought to a standstill. Prices plummeted as clothiers refused to take up stock after the prorogation of the Cavalier Parliament on 30 December, for fear of 'popery and ill government'. This in turn caused the local gentry grave concern, as they fully expected the consequence would be 'the abatement of our rents'. (53)

The fears of the countrymen were slightly assuaged at the end of January, as news of the dissolution and new elections filtered down to the west. Edward Seymour, a bitter opponent of Danby, but a supporter of the Court nevertheless, correctly foresaw that the dissolution gamble would backfire: 'the error of dissolving the last parliament will sufficiently appear in the meeting of this'. (54) The Plot had certainly tipped the balance against Danby in the Cavalier House of Commons, and he could not hope to orchestrate a successful general election campaign in such unpropitious circumstances.

The Elections to the First Exclusion Parliament, February 1679.

The results of the general elections of February 1679 were a decisive rebuff for the Court. Of seventy seats, only one, at the already rotten borough of Old Sarum, went to a candidate from outside the three counties, and he, Sir Eliab Harvey, had strong family connections there, and was a known opponent of the Court.

In Wiltshire, where almost all the Court outsiders stood, defeat was total. Sir John Elwes (Marlborough), Daniel Finch (Great Bedwyn) and Henry Bertie (Westbury) lost their seats. At Ludgershall and Chippenham courtiers fought divisive elections with local supporters of the government, and lost.(55) The only opposition candidate to lose a contest in the county was John Lawford at Calne, probably because of his lack of connexion with the town.(56) It is likely that many courtiers were persuaded that it was not worth standing. This was the case with the old royalist propagandist Sir John Birkenhead. Travelling down from London for the Wilton election, he heard at Salisbury how he was mocked in the town as a 'pensioner'. According to Aubrey, he turned back to the capital, where he 'insensibly decayed and pined away'.(57) Even such a powerful figure as Sir John Ernle, Chancellor of the Exchequer, was forced to abandon his seat at Cricklade, and was unable to find another.(58) Altogether there were sixteen contests out of a possible total of thirty-four (Weymouth was, of course, represented by four M.P.s).

No outsider candidates are recorded as standing in Somerset, and in Dorset it seems that only the elections at Corfe and Shaftesbury were contested at all. At Corfe the Court supporter Sir Nathaniel Napier defeated Peregrine Osborne on petition. Despite considerable outlay, Sir Matthew Andrews, a newcomer to the area, could not dislodge either Bennet or Whittaker from the Shaftesbury seats.(59) In total, sixteen of the twenty defeated candidates in the three counties were supporters of the Court.(60) Only four of the Court supporters in the Cavalier Parliament were

re-elected, while six were defeated at the polls. Altogether the Court support in the region now numbered fifteen M.P.s. By contrast, twenty-three members of the opposition in the Cavalier Parliament were returned. Sir John Morton was alone among the vocal opponents of the Court who failed to find his way back into parliament.

It is important to re-emphasize that the elections were not contested by monolithic blocs. As such the Court party did not exist. There is no better illustration of this than the promotion of opposition candidates by the Strangways family in Dorset. Two men who voted for exclusion in May were elected on the Melbury interest.(61) Francis Luttrell was prepared to support Sir John Malet at Minehead, in order to re-establish his family's interest there, at the expense of the Wyndhams, who were fellow Court supporters. Malet was dropped at the next election by which time the Luttrell ascendancy was assured.(62) At Milborne Port John Hunt chose to stand with his brother-in-law William Lacy junior, who was to become an exclusionist.(63)

There were a few loyalist gentlemen who perceived only too well that the 'King's interest' in the House of Commons was under threat. Colonel Ralph Stawell put a great deal of money into winning a seat at Bridgwater, only to be thwarted by the Committee of Elections. (64) His example, however, was rare. The contests in Wiltshire between 'Country Court' and 'pure Court' candidates bear testimony to a lack of cohesion and communication.

The relative strength of the organisation of the opposition is best illustrated by the evidence from Somerset. Although Shaftesbury was a landlord in the Bridgwater area, he did not possess great influence in the county. It was left to the Spekes, the Jennings, and the Trenchards, to superintend the gathering of intelligence and the co-ordination of the campaign. Soon after the dissolution George Speke and John Jennings visited the home of the Phelips family, who though fiercely anti-catholic were loyal to the government. They slyly tried to ascertain whether the Phelipses intended to stand for nearby Ilchester. Sir Edward Phelips warned them off: if Speke wanted a seat he should go north to Minehead, where he had a considerable number of tenants, and not attempt to poach seats in the south. Instead of going to Minehead, Speke journeyed to Brianston in Dorset, the second seat of Sir William Portman. Portman's unwillingness to commit himself made the Court count him an opponent, and the opposition believe him priest-ridden and ambitious. Their intention here was to dissuade Portman from standing at Taunton against John Trenchard and Edmund Prideaux.

Two days later, Philip Browne, a dependant of the Speke's, called on the Phelipses at Montacute on his way to visit Sir John Malet. He too posed the question of the Ilchester election. The Phelipses betrayed their lack of fore-planning. Edward senior declared he would not stand, but that one of his name would, yet his son William announced that he would not stand for £500. Browne, armed with this information, went off to consult with Malet. He then went to Ilchester and immediately started to

electioneer, or 'randy'. Making it known that he represented John Speke, Browne informed the town that the Phelps family did not intend to field a candidate there and had devolved all their interest upon John Speke. The burgesses were dubious at this, and announced their intention to forbid all the excesses of randying at the election. They also desired Browne to provide written proof of the Phelps' intentions. John Speke himself visited the town soon afterwards, and repeated Browne's message. He then visited Robert Hunt, the intended partner for the Phelps candidate, who was equally suspicious; but the fact that Hunt was not certain of the Montacute plans for Ilchester at this stage reveals a want of preparedness.(65) Although these subterfuges were not particularly successful, they show that members of the opposition in different parts of the shire were in constant communication, possessed up-to-the-minute intelligence, and were able to keep one step ahead of likely opponents.(66)

Not everywhere was there harmonious co-operation. The Bridgwater election, detailed in the following section, was not well handled by Shaftesbury, who fell out temporarily with opposition candidate William Clarke, over the alteration of a river course. Clarke did not work closely with opposition colleague Sir Francis Rolle, who spurned his support.(67) Rudimentary and ill-disciplined the opposition organisation may have been at times, but it was unquestionably superior to anything that could be mustered by the Court, whose supporters invariably stood in isolation.

The elections, won on the issues of popery and suspicion of Court intentions to impose arbitrary government, were a euphoric triumph for the opposition, but soon proved a hollow victory. Danby fell, but the King refused to be swayed on the central issue of exclusion, whilst drawing the sting of the opposition leaders by including them in a reconstituted privy council. The result was stalemate: no exclusion, no supply, and the prorogation of 27 May, soon followed by dissolution.

The entry of opposition leaders into central government (especially the earl of Shaftesbury) made it likely that the personnel of local government would be subject to scrutiny on political grounds. Shaftesbury was behind the privy council order of 12 May that local magnates should examine the commissions of the peace for each county, consult with the local bishop, lord lieutenant and *custos rotulorum*, and then advise the Council as to the regulation of the magistracy. (68) This regulation never occurred. The Scottish rebellion and the forthcoming elections distracted the attention of the new councillors. Over the summer only John Speke (Somerset) from the opposition, and Sir William Escourt (Wiltshire), a Court-supporter, were added to the commissions of the three counties. (69)

In the meantime, the justices in the counties busied themselves taking oaths from catholics. The Somerset J.P.s followed an order made at the Wells sessions on 4 January to execute the commission sent down under the great seal to administer the oaths to named catholics; and the fining of recusants at the sessions steadily increased during the year. (70)

In Dorset the justices showed even greater keenness in administering the oaths. The Sherborne sessions of late April was adjourned three times (to Pimperne, Puddletown and Beaminster), to facilitate the commissioners' task.(71) A notable recusant scalp had already been taken in the county. Humphrey Weld of Lulworth castle, governor of Portland and captain of Sandsfoot castle (who had resisted Richmond's streamlining of coastal defence in the 1660s), was rightly suspected of being a catholic. He had been cup-bearer to Henrietta-Maria between 1635 and 1644, and part of his London house in St Giles was let out to the Spanish embassy. Both his Dorset and London residences were searched for arms. As a Middlesex justice he had made a lot of enemies in London, by punishing those who sought to persecute recusants, and this indictment was sufficient to provoke an attack on him in the first Exclusion Parliament. On 27 March 1679 the *Lords' Journal* records, 'Humphrey Weld is popishly affected, if not a papist. He is to be put out of the commission the lieutenancy and the governorship of Portland castle'.(72) Social status did not protect the Dorset catholics from the commissioners. At the July sessions George Hussey, a large landowner and former justice from Marnhull near Shaftesbury, was threatened with an action in King's Bench if he did not take the oaths. He appeared at the Bridport sessions in October, took the oath of allegiance, but denied the royal supremacy in open court. After the sessions had closed he was finally persuaded of the dire consequences that awaited the non-juror, and he took the oath in private.(73) The leading catholic in Wiltshire, Lord Arundel of Wardour, was arrested and imprisoned

in the Tower, and the presentment and indictment of catholics at the Wiltshire sessions increased markedly during 1679, rising to a peak in the spring of 1680. (74)

Attendance at sessions during 1679 was not dominated by justices of exclusionist views. Sir Henry Coker and Sir John Talbot in Wiltshire, the Phelipses, the bishop of Bath and Wells and Ralph Stawell in Somerset, and Thomas Strangways, George Ryves and Anthony Ettrick in Dorset, ensured that Court-supporters maintained a high profile in local administration. (75) The continued persecution of catholics in 1680 shows that these government supporters were no more enthusiastic about popery than the opposition J.P.s. (76)

August 1679 to January 1681: The Tory Revanche.

The elections to the second Exclusion Parliament dominated the summer of 1679. The midsummer quarter sessions and assizes must have been lively affairs. (77) The gentry in the shires were more clearly informed as to the issues and implications of the elections than they had been in February. Henry Bull, a genuine countryman, had written in March that he hoped 'parliament may sit long enough to settle us in peace and quietness, but fear it is gone too far already to be recovered'. He soon abandoned this neutralist position. (78) By the summer he was fully committed to the Court party and was engaged by his brother-in-law, John Hunt, to replace the exclusionist William Lacy. Although few letters survive, there is enough evidence to indicate that the government supporters, or tories as they may now be called, were far better

prepared than they had been in February. Then, the Hunts' and the Phelipses' lack of communication had been exploited by the Spekes; now, at least, they were in regular contact. Henry Bull made detailed plans well in advance of the election at Milborne Port, carefully supervising the pre-poll activities of his agent, and scrutinising the poll books during the course of the contest.(79) At Bridgwater Ralph Stawell used his influence in the local militia regiment to oust Sir Francis Rolle, whose willingness to court unpopularity in the town bordered on recklessness.(80)

The extra efforts of the tories at the polls did not greatly increase their share of seats, which rose from fifteen to eighteen.(81). Three M.P.s who had voted for exclusion were defeated, and two who had voted against the measure were similarly disappointed. The Strangways family continued to exercise their interest in an erratic manner. Wadham was unwilling to stand again at Bridport, and Thomas gave his backing to the rabid exclusionist, Sir John Morton, at Weymouth, thus costing the tories two seats. (82)

For the exclusionists, or whigs, August 1679 saw a repeated electoral triumph in the three counties. Once again some of the tactics they employed were less than savoury. At Milborne Port, a 'Mr Napper', probably Robert Napier, set himself up against Henry Bull. The Hunt interest in the seat was too strong to challenge in Milborne, but Napper intended to win the seat in London. He accused one of Bull's agents, captain Warman (a militia officer in the regiment of the tory colonel Berkeley), of pressurising the election officials into falsifying the poll. Bull ruefully

commented: 'I know not upon what confidence he should go with such lies as these are, unless he hath the good assurance of the Earl of Shaftesbury's party to stand by him, and bring him right or wrong'. Even the local whigs Sir Francis Rolle and Sir John Malet agreed that Napper's petitioning would be unjustified, but Bull was not optimistic: '...you know the committee is not improperly called a committee of affections many times, and he who hath most friends there will carry it right or wrong...'. (83) To add insult to injury, whig propagandists levelled withering attacks on tory electoral practices. The Grand Jury of Wiltshire, empanelled by whig sheriff John Hawkins, complained of bribery at Cricklade, and excessive drunkenness at Great Bedwyn and Ludgershall. (84) The indignities that government supporters felt they had suffered in the two elections of 1679 were not to be easily forgotten in the years that followed.

As in February, the whig victory at the polls could not be fully exploited in parliament, this time because parliament was not summoned for another fourteen months. Deprived of their parliamentary arena, the whigs were left virtually powerless. They formed a large and important minority on the county benches and in the lieutenancies, but a minority it was, and, of course, the Crown was the ultimate source of patronage for local office. The government now took the initiative and launched a bold counter-stroke to remove opponents from county administration, and at the same time provide encouragement for its disheartened partisans in the provinces. In the autumn Shaftesbury lost his place as Lord President of the Council, and by January 1680 the

remaining whigs on the privy council had either resigned or been dismissed.

In the interim a new privy council committee had been set up to regulate the commissions of the peace in the interests of the Crown. Unlike its predecessor, the committee was to handle the entire task itself, and did not delegate the review of individual counties to groups of magnates.(85) It is not known on what information the western counties were regulated, but the results were swift. The alterations in the commissions were made in February 1680. (86) The committee's alacrity was not matched by comprehensiveness; there were some curious anomalies. In all, twenty-eight locally resident justices were left out of the three commissions.(87) The omissions of Sir Francis Wyndham of Trent in Somerset, whose only crime was his death three years earlier, Nevill Masklyn of Wiltshire, who died in 1679, and one or two others, were purely routine.(88) Hugh Hodges' dismissal is unexplained. He was a regular chairman of the Dorset quarter sessions, and the earl of Bristol's attorney and factotum, his only apparent blemish being an assault on a hearth tax collector in 1675. Whatever the reason, it is possible that his removal was a mistake, for he had been re-instated as a justice by November 1680.(89)

More predictably, seven M.P.s who had voted for exclusion lost their places, as did two whig M.P.s elected in August. (90) Sir Walter St John and Sir Edward Hungerford sealed their own fates in January 1680 by presenting a petition from Wiltshire to Charles, for the summoning of parliament.(91) The remainder of

the justices dismissed were much more obscure. John Scroop was a catholic, while Robert Compton and John Mervin (Wiltshire) had only been commissioned in March 1679, and were presumably connected with the opposition at that time. (92) Sir Robert Dillington, Henry Bromfield, Henry Whitehead, and Thomas Knowles (Dorset and Wiltshire), were all Hampshiremen; the former three being supporters of exclusion. (93) Thomas Earle, more prominent in Bristol than in Wiltshire, had not transgressed too seriously, for he was restored to the commission in 1681. (94)

This first purge did not greatly affect the composition of the benches. Only two active justices were put out in Dorset, five in Somerset, and seven in Wiltshire. Fourteen M.P.s who had voted for exclusion remained in commission. Even taking into account the usually patchy knowledge that central government possessed of the county magistracies, it is likely that there was not yet enough confidence at Court to effect more thorough alterations. Some whigs avoided displacement because they had friends in high places. Edward Strode, of Downside, Somerset, was well known for his political views, but escaped the fate of his brother William, because of his close association with Edward Seymour as a trustee of the Popham estate, and his even more intimate association with Viscount Conway as a go-between in marriage negotiations with the Poulets. (95) Possibly the dismissals were admonitory, as they had been in 1670, designed to encourage supporters and win over the waverers who felt 'we are between two millstones and shall be ground to powder betwixt them'. (96)

More significant than the purge was the addition of justices to the commissions of all three counties. According to lists compiled from the *liber pacis* in November, five were newly commissioned in Dorset, eight in Somerset, and eleven in Wiltshire. (97) If the November lists are checked with the surviving commissions, those from Somerset and Dorset, some inaccuracies are apparent. Only four of the eight Somerset names were new to the commission in February 1680: Kingsmill Lucy of Castle Cary, George Clerke of Swainswick, John Wynne, and John Hunt of Compton Pauncefoot. Lucy was a very minor figure; Wynne, later to become recorder of Taunton, was described in November as 'of very small estate'; and Clerke, also of narrow means, was an active supporter of the government, who corresponded regularly with the secretaries of state over the next two years. (98) In Dorset established tory families were rewarded with extra places on the bench, but in Wiltshire the accent was strongly on the introduction of new blood. A good example of this was Will Brewer, the medley clothier from Trowbridge. Although Brewer was prosperous, and had co-operated with the government in 1673/4 by taking Dutch weavers on trial, he would not have been considered as justice-material before the crisis. Outspoken support for church and king enabled him to gain a place on the bench. (99)

The uneven regulation of February was not the committee's last word. In April, after the return of the circuit judges from the Lent assizes, further commissions were issued for Wiltshire and Somerset. Colonel Edward Berkeley of Pill and Francis Luttrell were rewarded for their loyalty, but their status would surely

have ensured them a place in normal circumstances. Less exalted was Henry Bull of Midsomer Norton (not to be confused with his namesake from Shapwick), a minor gentleman tory. There were further omissions in Wiltshire: William Swanton the moderate whig recorder of Salisbury; Will Duckett a moderate tory, who may have been a father paying for the sins of his son; Samuel Eyre the exclusionist attorney; and Thomas Chaffin of Zeals in the far south-west of the county. (100)

Overall, there was more local knowledge displayed in the Wiltshire alterations than in those of the other two counties. It is possible that the committee's information came from one of two sources: Henry Hyde, the second earl of Clarendon, or Sir John Talbot of Lacock. Clarendon was certainly well informed on local justices in the early part of 1681. Talbot, the rumbustious soldier and projector, had only recently spent much time at the family home of Lacock Abbey near Chippenham. More of a courtier than a countryman, he may have been more dispassionate than the committee's informers elsewhere. (101) Whoever provided the government with information from Wiltshire was responsible for a complete change in the balance of the commission, for in July fourteen new justices were approved, including Talbot's son, Sharrington. (102) Since the new year twenty-four new justices had been commissioned in Wiltshire, replacing about fifteen active local justices who had been ejected. By way of contrast, only two justices who had attended a Dorset sessions in the previous ten years were put out, and only five new ones added. (103)

These changes are important in themselves, but what of the

activities of local justices and other officers during 1680? In the three counties, the evidence suggests that the reaction in the provinces to the events of 1679 was vigorous, and that central government took a closer interest in the administration of the localities than it had done since the time of the second Dutch War. The tory revanche of 1680 took two forms. The first was the attack on individual local leaders of the opposition, or notable agitators. The second was the more indiscriminate assault upon the nonconformist congregations, which the Exclusion Crisis had made synonymous with political subversion.

At the turn of 1679 the whigs, frustrated by the King's reluctance to summon parliament, were busy organising mass petitions to force Charles' hand. The most famous of these, promoted in Wiltshire, was presented to the King by Thomas Thynne, Sir Edward Hungerford and Sir Walter St John. The royal reaction was dismissive. Charles replied that at the last sessions the county Grand Jury had declared their dislike of petitioning, pointedly telling Thynne that he was surprised at the presumption of a man of such estate and fortune.⁽¹⁰⁴⁾ A similar petition in Dorsetshire was also rejected by the Grand Jury.⁽¹⁰⁵⁾ The most contention occurred in Somerset, where the petitioning issue afforded the Court supporters in the county an opportunity to strike back at their opponents. One of the chief organizers of whig petitions in the shire was Thomas Dare, the Taunton goldsmith. Like the Spekes, the Dares had been Civil War royalists. After the Restoration Thomas had challenged a church rate in Taunton, but in the ensuing dispute he found his family's

history of loyalty availed him little: like the Spekes, he was pushed into opposition by a personal affront. (106)

In early January 1680 Dare wrote to local gentlemen, using threats (that they would be branded papists) and lies (that the Master of the Rolls and serjeant Maynard had signed similar petitions) to cajole them into putting their signatures to the petition. Henry Bull of Shapwick was unsure how the county was going to react to such appeals, but he was reluctant to sign:

I am unwilling to make Taunton or Mr Dare my president to walk by. If Mr Dare will be pleased to think me a papist or popishly affected upon the modest refusal, as he seems to threaten in his letter... the next work will be to blacken me, as they call it, to their fury, but I will do nothing till I see how others (do). (107)

The tory gentry did not take kindly to Dare's admonitions. At the Wells sessions they reacted angrily to the touting of the petition by one John Drayton. He was bound over to the next sessions, and when George Bisse of Martock offered himself as bail for Drayton, he was pushed down the stairs leading from the bench by an irate Viscount Fitzharding, who shouted that he would deal with him on some other occasion. (108)

Dare eventually attempted to thrust the petition into Charles' hands, but only succeeded in provoking royal displeasure. On his return to Somerset, he found that he had provoked far worse. His indiscreet use of treasonable language led to his arrest and indictment at the Taunton assizes. Dare's trial was an event of major significance: the tory gentry chose this opportunity to flex their muscles. Bishop Mews recommended that a

troop of militia attend the assizes to prevent the intimidation of witnesses and juries. Dare could have expected little sympathy. The sheriff, Sir William Wyndham, empanelled a Grand Jury containing 'many of the principal gentry of the county', whose foreman was the ultra-loyalist, colonel Ralph Stawell. Before turning to the unfortunate goldsmith, this jury delivered an address abhorring the petition, and desiring that the laws against dissenters and recusants be put into execution. The bill against Dare was found, whereupon bishop Mews and circuit judge Jones persuaded him to plead guilty to the charge that 'against the proclamation ... (he) said that there were only two ways of redress: petitioning or rebellion'. (109) Judge Jones had clearly been instructed to make an example of Dare: 'if Dare and his party can be wrought upon, what he (Jones) told him before passing judgement will make no ordinary impression'. The sentence was severe: a £500 fine, the loss of his place on Taunton corporation, and a three year bond for good behaviour. As if this was not enough, another bill for seditious words was found against Dare and he was bound over to appear at the next assizes. He was still in gaol twelve months later. (110)

In the meantime other local figures connected with petitioning had been harshly dealt with. It was not Viscount Fitzharding, but Sir Edward Phelips who meted out punishment to Bisse. At the Ilchester quarter sessions in April 1680 the Martock man delivered a writ of a *certiorari* for the release of Drayton. Phelips and bishop Mews (who was attending the sessions specifically to deal with such whig impertinence), reacting

quickly to this, called for the presentment of the Martock jury and constables to be delivered to the court office. The Martock jury had already gone home leaving just the constables, who were asked by Phelps why they had not presented a conventicle held at Bisse's house. They answered that they could not present a conventicle of which they had no knowledge. Phelps and Mews then ordered them to present Bisse or be committed themselves. One constable stood firm, but the other finally put his hand to a presentment drafted by Mews and Phelps. On the strength of this document, Bisse was summoned to the Bath sessions in October. He did not go. Since April his house had been visited regularly by militia troopers of colonel Phelps' regiment, seeking to discover the conventicle and provide substance to the charge. Bisse chose to go into hiding to prevent arrest, and observed ruefully: 'The truth is that any who promoted or favoured the said petition, or appeared against Sir Edward at the last election, have ever since had but little quiet, where it has been in his power to trouble them'. (111) In 1680 Phelps and the other Somerset tories already possessed considerable power.

More dangerous enemies than Bisse and Drayton were vulnerable to the tories' near monopoly of local office. George Speke, head of the Whitelackington family, and none too careful in his public pronouncements, was an obvious target. In the summer of 1679 he had been in trouble for slandering an Anglican priest, and later in the year his arch-enemy captain Henry Walrond, the justice from neighbouring Isle Brewers, sent information against him to the Court. This information was sent to the attorney-

general, and Speke was charged in King's Bench. Unfortunately for Walrond, the key prosecution witnesses were found to have been suborned, and the case was dropped, much to his embarrassment.(112) Speke was acquitted in the late spring of 1680, but like Dare found it difficult to control his tongue. He had achieved such notoriety in the west that tories in both Somerset and Dorset were determined to bring him to book. A friend of the Spekes overheard colonel Thomas Strangways and the earl of Dorset discussing the best way to proceed against the vociferous gentleman. They disclosed that an information was to be laid against Speke before the Somerset justices, to the effect that he had declared the duke of Monmouth the rightful heir to the throne. Sufficient witnesses were to be found, and the sheriff, Sir William Wyndham (a tory, though known to be lenient on occasion), was to be accompanied by the parson of Watchet when he came to empanel the jury for the sessions.(113) In the event, such elaborate preparations proved unnecessary. Speke obligingly incriminated himself by exhorting some former soldiers to fight for the 'Protestant Duke'. He was charged at the assizes, and following Dare's example, he submitted to the court. (114)

The attack on such individuals was accompanied by a ferocious campaign against the dissenters. In the 1660s and 1670s there had been a widespread reluctance among justices and lesser officials to conduct the systematic persecution of nonconformists. Most justices did not approve of dissent, but punishing protestants engaged in the peaceful exercise of their religious

beliefs was not a pleasant business. No consistent lead had been given by central government. Even Danby's ostentatiously Anglican policy of the late 1670s had no real teeth: the truth was that the majority of magistrates no longer believed dissent to be a real threat. This all changed in 1679. The solid support of dissenters for exclusionist candidates re-affirmed the old view that religious and political heterodoxy were dangerous bed-fellows. The purges of the magistracy in 1680 not only deprived nonconformists of several patrons and protectors on the county benches of Somerset and Wiltshire, but also put pressure on moderate justices to display their loyalty to the Crown.

Initially, the catholic recusants and the Quakers bore the brunt of the justices' zeal. In Wiltshire there was a substantial increase in the number of recusants and Friends indicted at the Michaelmas quarter sessions of 1679 and the following Hilary 1680 sessions.⁽¹¹⁵⁾ Further commissions to take oaths (based on lists 'brought up by the knights of the shire to parliament') were sent down into the counties in February 1680. Such was the enthusiasm of the tory Wiltshire justices, Sir Henry Coker, Richard Lewis, Robert Hyde, and Thomas Lambert, that they provided an additional list of recusants in the county, and petitioned for financial reward. This they received from circuit judge Sir Francis North. Sixty-six catholics were summoned to appear at the Ilchester quarter sessions to take oaths before the Somerset commissioners, and the sessions was adjourned four times to facilitate this. In addition, twenty-one recusants were fined at this sessions. There was genuine enthusiasm among tory justices for the persecution of

catholics. It is also possible that justices felt the need to establish their protestant credentials in order to avoid the hostility of the countrymen, or the accusations of popery, in the event of future whig ascendancy.(116)

It was not long, however, before the benches turned their attention to the nonconformist congregations. Sir Henry Coker had convicted conventiclers in the summer of 1679, and leading members of the large presbyterian population at Ramsbury in east Wiltshire were indicted at the Michaelmas 1679 and Hilary 1680 sessions.(117) But this could not have prepared Wiltshire dissenters for what was to come. At the Easter 1680 sessions, held at Devizes in April, there was a huge increase in the number of nonconformists indicted. Purton baptists, Market Lavington Quakers, and Newton Tony presbyterians all found themselves charged with either not taking the sacraments, or with non-attendance at church. As many as 250 nonconformists from over fifty parishes were presented to the sessions.(118)

There can be no doubt that pressure had been applied to head and petty constables, and tithingmen, to make accurate presentments to the court. The attempt to build up an accurate picture of the distribution of dissent in the county is attested by the precept from Sir James Long, the justice and deputy-lieutenant, ordering a 'tything search' of all those not regularly attending an Anglican service in the Chippenham division. The results of the search have survived in the roll for the Trinity sessions of July 1680. Only twenty non-attenders were recorded (though some parishes replied that they had already provided

reports to the petty sessions), so it appears that the reluctance of lesser officials to present their friends and neighbours had yet to be fully overcome. This negligence would not have escaped the notice of the bench at the Trinity sessions, which was dominated by tories. Edward Seymour made his first and only appearance at a Wiltshire quarter sessions, and may well have been there to pass on instructions for, and give encouragement to, Sir Henry Coker, Richard Lewis, Thomas Lambert and John Fitzherbert, the government's strongest supporters in the county. (119) The Tory Reaction was under way in the three counties during the summer of 1680, well before the summoning of the second Exclusion Parliament. The fining of nonconformists in Somerset took on the regularity that was to characterize the next five years, while from Dorset there is evidence that large numbers of dissenters were indicted at the Shaftesbury sessions held in early July. (120)

How much influence central government had upon this increase in persecuting activity is difficult to determine. We do not know, for instance, exactly what passed between circuit judges and county justices at the assizes (the western circuit judges at this time included Lord Chief Justice North, whose encouragement of the tories in the west earned him the epithet '*deliciae occidentalis*'). (121) It is clear, however, that there was a great increase in the correspondence between magistrates and central government. The political crisis had immeasurably increased the appetite of the Whitehall secretariat for knowledge concerning religious dissent and disaffection to the government. The new secretary of state, Sir Leoline Jenkins, wished to keep himself

closely informed of events in the provinces. In June he encouraged colonel Stawell and captain Walrond to 'discover the state of your country as to arms in disaffected mens' hands and to give an account from time to time of the state you find things in'. Similarly, the secretary requested that the bishop of Bristol keep him, or some other member of the Council, abreast of events in Dorset.(122) The regular epistolary contact between local tory justices and Whitehall over the next five years, produced a better understanding between central and local government, as well as providing copious intelligence for the Crown.

There was much for Jenkins to be informed about during the summer of 1680. A great scare was caused in the Bristol area by Nathaniel Wade, who was responsible for forming an armed company of nonconformists, which resisted the attempts of a justice to disturb a conventicle. Wade's case would have been advertised throughout Somerset, for he was bound to appear at the Wells assizes in August.(123) Well briefed on such trials, Jenkins was quick to direct local magistrates to ensure the return of honest and sufficient juries 'that for favour will not spare any man'.(124)

As well as providing instructions, Jenkins offered reassurance. In July rumours were circulating in Somerset that the whigs had regained favour at Court, and that there could soon be alterations in the government. The secretary made it quite clear to the country tories that these rumours were put about by the fanatic party, that they had no substance, and that the King had declared that 'he will rely on his old friends'.(125)

This reassurance was welcome, for the late summer of 1680 was a worrying time for west country tories. The reason for their anxiety was the grand tour of the area by the duke of Monmouth. Starting from Bath in early August, the duke went to stay at Longleat, the palatial home of the whig petitioner Thomas Thynne (known as 'Tom of the ten thousand' because of his great wealth). From here his self-indulgent progress was attended by adoring crowds. Visiting Whitelackington, the home of the Spekes, he was said to have been escorted by 2000 horsemen. Next he passed on to Hinton St George, seat of the Poulets, and then on to Brympton d'Evercy, near Yeovil, to stay with Sir John Sydenham, whig knight of the shire in the first Exclusion Parliament. After he had called on William Strode at Barrington, the duke crossed the border into Devon, where one of his hosts was the whig M.P. for Taunton, Edmund Prideaux. Returning eastward through Dorset he visited the earl of Shaftesbury and the dissenter Michael Harvey, before making return calls to Whitelackington and Longleat. He left the west early in September. (126) Jenkins communicated the Crown's displeasure at Monmouth's junketings. Friends of the government were ordered to have no commerce with him, nor show him any respect. (127) Monmouth's western peregrination was a popular triumph and a great propaganda coup for the whigs, but it could not mask the more enduring success of the tories in 1680: the domination of county government, and the use of the law to subdue their opponents, great and small.

Despite their ominous loss of position on the county benches, the whigs, buoyed up by the euphoria of the duke's tour, hoped to reverse their fortunes once the second Exclusion Parliament was finally summoned in October 1680. Sunderland's discussions with the whig leaders during the summer (which had been at the root of much of the disquiet amongst the Somerset Tories), had heightened the optimism of the exclusionists. (128) However, the second Exclusion Parliament proved as frustrating as the first. Charles was not prepared to abandon his brother. The major practical political shortcoming of whiggism was its insistence on removing James from the succession; all other issues were subsidiary. Much has been made of Charles' intransigence in the face of overwhelming support for exclusion in the Commons. We cannot be sure whether the King was employing long term political strategy, or living from day to day, waiting for an opportunity to take the offensive, but it must be emphasized that from the spring 1680 his position was underpinned by the knowledge that the government of the shires was already largely in the hands of loyal friends. (129)

Although the battle over the succession was central to the proceedings of the parliament, the purges of local government earlier in the year ensured that the issue of the county magistracies was high on the agenda. A Lords' committee was appointed to investigate alleged abuses in the alteration of the commissions, and a *liber pacis* was ordered from the Crown Office. (130) The committee did not have time to report, but it is clear that it intended to make the obvious point that the removals

were politically motivated, and that some of those justices kept on and some who had been added to the commissions were far less suitable than those who had been displaced. Marginal comments were made on the unfitness of certain tory justices. John Wyne, of Somerset, a new J.P, was described as 'of very small estate and no good repute', and five Dorset justices had been retained despite poverty and other disqualifications.(131) The findings of the committee were not put to use, for Charles dissolved the parliament, and, even before he had secured financial support from Louis XIV, resolved to call a new parliament at Oxford and hasten the denouement of the Exclusion Crisis.

The Elections of 1681.

Consecutive crushing victories at the polls had brought the whigs no closer to their aim of excluding James. The tories could still not hope to match the popular whig appeal in a general election, but it is obvious now, if it was not then, that this was an irrelevancy. In 1681 the whigs gained an electoral victory in the west once again. (132) The tories, however, fared considerably better than before, particularly in the corporations. In Somerset they actually gained a majority of seats, despite the failure of colonel Stawell to withstand the challenge of Sir John Malet at Bridgwater.(133) Viscount Fitzharding and Sir William Bassett forced Sir George Speke out of Bath, and the Phelips' interest dislodged Will Strode and John Speke from Ilchester.(134) In Wiltshire John Wyndham gained a significant success over Sir Thomas Mompesson at Salisbury, while at Great Bedwyn there was a

most curious juxta-position: Sir John Ernle, the Chancellor of the Exchequer was elected on the interest of Lord Bruce, and the old Leveller, John Wildman, was returned by popular acclaim in the town. (135) At Downton the townsmen rejected Shaftesbury's candidate, as they had done in 1678. (136)

The Wiltshire tories had entered the elections in good heart. They believed that no county could be so well affected to the government. Better organisation and better intelligence enabled them to anticipate Shaftesbury's moves, and to take counter-measures. When they did not do so well as expected, the retribution was swift. The earl of Clarendon, who was the co-ordinator of the tory campaign in the county, was confident that he could wrest control of the two county seats from the whigs. As it turned out, his undertaking of the electoral meeting of the gentry at Salisbury was unsuccessful (a reflection of the great unpopularity of the Hyde family in Wiltshire). He had feared that the whiggish lord-lieutenant, the earl of Pembroke, would mar his efforts, and this seems to have been the case. Clarendon was convinced that, despite the recent alterations, the purges in the county had not gone far enough: '...if those who are in authority under His Majesty did what they ought, he would find all the elections of that county to his own wish, but whilst he professes one and those commissioned by him something else, honest men know not what to do' (137).

The tory earl did not elaborate on these comments, but it is probable that they were aimed directly at the militia colonels under Pembroke's command.. (Pembroke's charge had recently been

held jointly with an absentee, the duke of Albemarle, following his indictment for murder by the Middlesex Grand Jury).(138) After the elections Clarendon's recommendations were quickly taken up. On 11 March secretary Jenkins wrote to the earl of Pembroke signifying His Majesty's pleasure that changes be made to the Wiltshire militia. Sir Thomas Mompesson, Sir Edward Hungerford and Thomas Thynne were to be discharged as deputy-lieutenants and lose command of their respective regiments. Their replacements were to be Sir John Talbot, John Wyndham, and Richard Lewis. The three leading whig commoners in the county were dismissed from their military commands at a stroke. Social status and erratic temperament probably saved the lord-lieutenant from dismissal. Moreover, the royal interference in his lieutenancy, in substituting three ardent tories for three such powerful whigs, had drastically reduced Pembroke's nuisance value without mortally offending his dignity. The earl briefly dragged his feet. For this recalcitrance he received a thinly veiled threat from Jenkins: 'I hope this delay, which is more taken notice of to your disadvantage than I could wish, will be repaired by your giving those commissions all possible dispatch. I should be extreme sorry this should have any mention again before His Majesty other than you have fully obeyed his commands'. (139) Pembroke made one last effort to assert his autonomy. He suggested that Thomas Penruddock (son of the eponymous rebel), who, though a tory, had close links with Wilton, should be appointed colonel of the foot regiment designed for Sir John Talbot. But Jenkins was not in the mood for compromise: Talbot was to be commissioned, and

quickly.(140) This virtually completed the tory domination of the militias in the three counties. Both the Dorset colonels were loyal churchmen, and in Somerset, where the regimental commanders included Viscount Fitzharding, Ralph Stawell, Sir Edward Phelips and Edward Berkeley, only the replacement of Sir Halswell Tynt by Francis Luttrell was necessary to give the tories exclusive control. (141) (All these changes in the west pre-dated the privy council order of 2 June dismissing from militia posts all those who had been recently removed from the county commissions of the peace.) (142)

After the Oxford Parliament.

The whigs did not believe that the dissolution of the Oxford Parliament had finally ended their chances of forcing Charles' hand over the succession by constitutional means. During the summer of 1681 both whigs and tories were sure that new elections would be held, by autumn at the latest. The Speke intelligence, and information dissemination, network kept west country whigs informed of developments in London, but as time passed the letters of the Spekes grew ever more pessimistic.(143) Hugh wrote to his brother Charles: 'The way they intend to proceed now, it is thought, is too pick out all those that have been active against popery, and get men to swear falsely against them for words or what else they please, and so to lay them up secure by fines and imprisonment , and by this means they hope to overawe and terrify the country and so carry on their designs without opposition, having all persons in office according to their hearts'.(144) This was not news for the Somerset whigs. The local tories had

dominated county office and been using the criminal law ruthlessly against opponents for over twelve months.

Hugh Speke's prediction about local office soon came to pass, when central government took the opportunity to complete the alterations to the magistracy begun early in 1680. In Wiltshire no further justices were removed, and only Thomas Earle, who had been displaced in the previous year, was appointed. Dorset was one of only three English counties not to receive a commission during the summer, but in Somerset important changes were made.(145) Edward Strode (no longer protected by Conway), Warwick Bampffield, Edward Clerke and Richard Newman were dismissed, and Sir Francis Warre, Sir Edward Cartwright, Thomas Farewell and John Blewett put in commission to replace them.(146)

The government's supporters in the west did not relax their efforts, and spent a busy summer. Firstly, they promoted a series of addresses from the counties and from some of the corporate towns, thanking the King for his declaration on the reasons for the dissolution of the last two parliaments, and, more often than not, expressing their willingness to execute the penal statutes against recusants and dissenters.(147) The whigs were quick to point out that the addresses were merely propaganda, some of them coming from towns which only months before had elected two whigs.(148) These allegations were undoubtedly true, but as the whigs had based their early triumphs on the successful use of propaganda, their complaints served merely to acknowledge the tory ascendancy.

More significant than the addresses from the towns, some of

which were rather equivocal, were those from the county institutions, the true bases of tory power. In May the justices and deputy-lieutenants of Somerset delivered up their address. This was the prelude to others that followed throughout the summer. The Bridgwater quarter sessions was attended by the unusually large number of seventeen justices, including most of the county's active tories.(149) At the end of the sessions the Grand Jury presented the magistrates with a loyal address 'to which the whole bench rising up declared their assent', and the chairman, Sir Edward Phelips, assured them that it would be conveyed to His Majesty. It is probable that Phelips was responsible for the promotion of this address, for he informed Jenkins that he intended to 'promote the like at the Dorset assizes next week, and at our own'. That the address from the tories in Bridgwater, expressing dissatisfaction at the disloyal proceedings of their corporation, was produced at the same time cannot have been coincidental.(150) The quarter sessions and the assizes of the summer of 1681 were overtly political affairs, which the tories used as opportunities to express their loyalty to the Crown, and to make their unchallengeable power in county government clear to the country.

The tories now had a stranglehold on the county benches and the militias, but popular whiggism remained strong; indeed, the tory monopoly of county office, and their use of it to persecute those they identified as opponents, strengthened the bond between whiggery and nonconformity, forcing the dissenting congregations, no longer protected by indulgent justices, to take more desperate

measures. During the summer of 1681 there were a number of tense incidents, in which the authority of the county magistrates was challenged by popular action. The most notable of these occurred at the Warminster quarter sessions held in July. The sessions was attended by nine justices, seven of whom were tory hawks - Sir Henry Coker, Sir John Talbot, Richard Lewis, Thomas Lambert, John Fitzherbert, Walter Grubb, and the clothier Will Brewer. At least fifty nonconformists were fined by the court, most of these coming from Warminster and the surrounding villages.(151) In addition, the justices determined upon strong measures to combat the non-presentment of dissenters by parish constables and hundredal juries.

The task of returning hundredal juries in the county had been delegated by the sheriffs to their bailiffs, with unsatisfactory consequences. The bailiffs were responsible for the empanelling of 'such persons as jurors in order to serve their own ends and others' private ends, and this much retards the business of the court'. To rectify this the justices ordered that in future the sheriff, or his deputy, should give warrants for the bailiffs to empanel only those jurors that were listed as fit men by the sheriff.(152) The suspicion of the bench that the negligence of lesser officials was allowing nonconformity to flourish in certain parts of the shire must have been strengthened by a desperate letter from John Bowles, rector of Barford St Martin near Wilton, who pleaded that the county justices proceed against the dissenters in his parish, 'that the growth of faction may be prevented among us'.(153) The determination of the court

to get to grips with the problem of the non-presentment of nonconformists was made clear to the dissenting population around Warminster by the news that the Grand Inquest had refused to accept the presentment of the town's constables, because it was defective. Defective it was, for Warminster's substantial population of nonconformists was largely overlooked; but the Inquest's action was provocative in that it accepted, at the same time, returns of *omnia bene* from other dissenting strongholds. (154)

Some town shopkeepers, among those indicted at the sessions for conventicling, made preparations for a protest. While the court was sitting, a crowd, containing many dissenters, marched about the streets, wearing strips of blue ribbon in their hats. Shoppers were encouraged by the shopkeepers to take free strips of ribbon and wear them as a token of support for the duke of Monmouth, 'as the men of Salisbury were now wearing red for the duke of York'. (Monmouth's stay at nearby Longleat in 1680 had made a profound impression on the townspeople.) One Edward Carpenter confirmed the link between political protest and nonconformity when he told a witness that 'all those who were meeters wore such ribbons'. About forty protesters, with sticks in hand, loitered outside the sessions house in the hope of intimidating the justices and the juries, but to no effect. Sixteen were arrested and charged with riotous assembly, and Edward Carpenter was bound over to the assizes for distributing the ribbons. (155)

To the west, in south Somerset, Henry Walrond, the county's

most assiduous justice, trawled the countryside with his troop of militia horse to the consternation and inconvenience of the local dissenting population. He was particularly severe on the congregation of George Speke's wife at Whitelackington.(156) In both Dorset and Wiltshire the summer assize Grand Juries complained that recusants and dissenters were now riding around armed and keeping arms in their houses, and requested that steps be taken to disarm them.(157) The tories were quickly becoming victims of their own self-fulfilling prophecies.

How deeply leading whigs were involved in seditious activity at this time is not known. Certainly the Spekes and Trenchards in Somerset were causing trouble. John Trenchard, the former Taunton M.P., was believed to be responsible for sending a mock address satirizing the government to a tory clergyman to read out in church.(158) Secretary Jenkins treated these accusations with great concern. He undertook to pay a local man (who lay under the threat of a charge of complicity) to pry on the Trenchards and glean information which could be used in criminal proceedings against them.(159) The secretariat was kept well informed as to the disposition of other whig parliamentarians. Colonel Stawell and his loyal militia captain, Thomas Venn, maintained a network of local informants and regularly corresponded with Whitehall. Stawell identified 'the chief countenancers of the disaffected party' in Somerset as John Trenchard, Sir Francis Rolle, George and John Speke, Warwick Bampffield, William and Edward Strode, Thomas Thynne, Sir John Sydenham, Sir Edward Hungerford, and Sir Halswell Tynt. He had

information that this group had drawn up plans for the future allocation of militia regiments, but did not say by what means they expected to achieve this objective. (160)

In all likelihood such schemes were wildly optimistic, based on the hope that a fourth Exclusion Parliament would at last bring victory to the whigs. These hopes were boosted, and the lingering anxieties of the tories intensified, by the strong rumours reaching the west in October that a parliament would be summoned for 24 November. The whigs threw themselves enthusiastically into randying. Trenchard toured the dissenting strongholds in west and south Somerset, accompanied by William Waller, while Sir John Sydenham was constantly on horseback, canvassing support among the gentry for his candidacy for knight of the shire. Captain Venn accused whig clothiers in and around Taunton of deliberately laying off over 500 serge workers, and asked that Jenkins take immediate steps to counteract the insurrection which seemed likely to result. He asked, too, for assurances from the secretary that there would be no elections. Venn was also worried that the influx of huguenot refugees from France might affect the implementation of the penal statutes against dissenters, and that some justices, 'great pretenders to loyalty, have but of late discovered that they are for moderation. This very thing has been the ruin of our nation, and if they stick at it now, the King with all of us will be at a loss; our churches turned into stables, our liberties turned into a plebian tyranny'. (161) It is important not to underestimate the fear that inspired the Tory Reaction. Although not all tories were so averse to moderation as Venn, most

justices were aware that lack of zeal in the King's service was often interpreted as disloyalty. The ultra-tories were afraid of the whig plebian threat; the less extreme tories were afraid of the suspicions of their hard-line colleagues.

(c) Tory High Tide: 1682-1685.

The Personnel of County Government During the Tory Reaction.

Over the next three years the commissions of the peace were adjusted only slightly. According to the Crown docket book, only one justice was dismissed in Dorset, Somerset, and Wiltshire, between July 1681 and February 1685.(162) During the same period twenty-three new justices were commissioned. Some of these were routine replacements for dead magistrates; others like Gregory Alford of Lyme and Stephen Timewell of Taunton were in response to the local need for a zealous county justice to patrol the outskirts of factious towns, and others like Ferrers Greisley in west Somerset to bolster the number of J.P.s in under-represented areas.(163) Despite the scarcity of dismissals, central government was still very quick to react if the loyalty of an individual justice was open to doubt. The closeness of the supervision of the magistracies was keenly appreciated by county J.P.s. It needed little more than a rumour in 1683 to convince the Somerset bench that a respected member of their ranks, John Harrington, was about to be ejected. The *custos*, Viscount Fitzharding, immediately wrote in protest to Sidney Godolphin.(164) Fitzharding produced an elaborate defence for Harrington (who had taken a military commission during the

Protectorate, but only at the instigation of the royalist gentry in the county). Harrington's crime, it appeared, was to possess the same name as one of Shaftesbury's supporters, and there had never been the intention of dismissing him.(165) This is not important: the significance lay in the sensitivity of his fellow justices, who were prepared to produce a variety of certificates, some dating back to 1660, to prove Harrington's loyalty, even before this had been challenged officially.(166)

Somerset, the most factious of the three counties, had only one whig in commission by 1682. Dorset was less bitterly divided. There had been very few active whigs on the Dorset commission in the first place, and the personal ties between the Strangways, the leading tory commoners in the shire, and the Thomas Freke and Thomas Browne, the leading exclusionists, seem to have lessened the friction. Browne died in 1679, but Freke, who undoubtedly trimmed, remained a justice.(167) Much more surprising was the retention of William Ellesdon of Charmouth. His role in the escape of Charles after the battle of Worcester (which earned him and his sons a pension) must have compensated for the indulgence he displayed to the dissenters of Lyme and its environs, which is dealt with in the next section.(168) Four moderate whig trimmers survived on the Wiltshire bench: Sir Giles Hungerford, Alexander Thistlethwaite, Thomas Bennet, and John Pleydel. Of over 150 locally-resident commissioned justices between 1682 and 1685 less than ten had been involved in exclusionist politics, and only two, Sir Halswell Tynt and William Ellesdon, continued to show any disloyalty to the government.

The shrievalty was also closely watched for any signs of disaffection - at first by local Tories, and then by central government. Since the beginning of the Exclusion Crisis the sheriff had once more become an important figure in county administration. The issuing of election precepts, the empanelling of juries and the custody of prisoners were now duties of the utmost political importance. The Somerset sheriff for November 1681-2 was Thomas Warre, a sickly man who, unable to carry out his duties, delegated his authority to George Musgrave. Musgrave was an attorney from near Bridgwater, of which he was deputy recorder. During the exclusion elections he 'never appeared in public but...he sided with the Fanatic party against Stawell, and did base actions to bring his ends to effect and so at the election of the shire knights he was not looked on as right...'. In early 1682 Thomas Venn complained of him : 'The under-sheriff is a trusty man, but the sheriff is guided by Musgrave (who)...has given such distaste to the truly loyal gentry that they will not appear by him or where he is '.(169)

By 1683 it was inconceivable that such a man as Musgrave could be involved in the shrievalty. In that year the appointment of the sheriff's subordinates in Somerset provoked the intervention of secretary of state Jenkins. In early December the loyal but reluctant incumbent of the Somerset shrievalty, Henry Bull of Shapwick, received an urgent letter from the secretary.(170) Jenkins had been informed that Bull intended to appoint a disloyal man as under-sheriff. This was unacceptable. The King, Bull was told, was of the opinion 'that not only the

high sheriffs but the under-sheriffs also, be of untainted affection and steady principles for the government'. (171) Jenkins had been advised that there were two candidates. The first of these was Humphrey Steer, who had just been dismissed as town clerk of Bridgwater. It is improbable that Bull would even have contemplated Steer for the post of under-sheriff, as he made clear in one of his draft replies to Jenkins.(172) The other contender was Anthony Stocker, who, as far as Bull knew, was unexceptionable; indeed, Stocker had already been sworn in and his sureties taken. The sheriff expanded on the difficulties that Jenkins' ungrounded suspicions had caused:

This was done when I little thought of any objection that could be made as to Stocker's good affection to the government and His Majesty's service, and I dare confidently affirm that there is not a single instance that could be given that could render him suspected of the contrary, but very many things that represent him as fit a person for this employment as the county affords, which I presume to be certified on his behalf by My Lord Bishop of London to whom he is now a steward for several of his manors, and by as many deputy-lieutenants of this county as are acquainted with him, where personal resentment does not intervene. However, I sent for my under-sheriff and have endeavoured to get his resignation by fair means, but cannot prevail with him; he saith that the odious character of whiggism shall never be set upon him by his own consent. And whether after his being sworn and having acted in the place I may by law remove him and take another I know not. If it is His Majesty's will I shall not expostulate...(173)

We do not know upon what information Jenkins was acting, but we do know that he made his recommendation for Stocker's replacement on the advice of Lord Stawell.(174) It is probable that this nominee, William Harris of North Petherton, was a client of Stawell's. The Lord was up in town in late November about the

business of renewing Bridgwater's charter, and he may have taken this opportunity to exploit the willingness of central government, on less than satisfactory evidence, to dismiss any local official whose loyalty was questioned, for the benefit of his own patronage network.(175) Never before in peace time had the personnel of county government in the west been a matter of such concern to the central bureaucracy.

The County Justices and the Tory Reaction.

1682 opened with unequivocal expressions of support for the Crown from all three counties. At the Salisbury, Bruton, and Blandford quarter sessions the Grand Juries produced addresses abhorring the 'Association found in Shaftesbury's closet'.(176) In accord with the privy council order of 2 November 1681, the Somerset justices assembled at Bruton made clear their intention to continue the persecution of religious dissenters with even more vigour:

(the justices) being sensible of the great mischief daily arising by Popish and Fanatic dissenters, resolve to put the law in execution against all Recusants who absent themselves from their parish church for a month without sufficient cause. We resolve to bind over all such officers as shall neglect their offices in not presenting to us at our monthly meeting all such Recusants. We resolve to tender the oaths of Allegiance and Supremacy to all that shall be presented for absenting themselves from church, and to punish all that shall refuse the said oaths. We resolve to proceed against all frequenters of conventicles and unlawful assemblies.

It was further ordered by the court that all justices and high constables should receive copies of these resolutions, so that they and the other inhabitants of the county would be fully aware

of the court's determination to eradicate dissent.(177) At the Salisbury sessions the Wiltshire J.P.s took more action against the factious town of Warminster, ordering the suppression of a coffee house in the town kept by one William Pierce, because 'of late he hath made it his daily practice to expose to the view of the inhabitants divers seditious pamphlets and libels against the government now established in Church and State'.(178)

Throughout the year the fining of non-attenders and those who refused to take the oaths steadily increased. In Wiltshire the number of dissenters indicted at the quarter sessions doubled in 1682.(179) The number of conventicle fines recorded in Somerset was also on the increase, and all appeals to the quarter sessions against the unfair conviction of conventiclers were quashed.(180) The volume of business generated by this drive to ensure the conformity of the western counties caused administrative problems. By the end of the reign the officials of the Somerset quarter sessions were weary and fed up with the work involved in administering so many oaths. Positive action was not taken until the January sessions of 1685:

sundry persons in this county conceiving themselves concerned to take (the oaths)...have not attended the place of the public quarter sessions in order thereunto, but for their private interest prevailed to have the court adjourned and thereby put the officers of the court to trouble and the expense of travelling to places of such adjournment remote from their habitations.To the end that this court be not regarded as ambulatory, it is ordered that in future such private adjournments shall not be not allowed unless persons are willing to pay the clerk of the peace £3...(181)

In 1683 the Bath sessions had been adjourned from that city to

Taunton, Bruton, Wells, Stogumber, and Montacute, coming to a close only two days before the opening of the Bruton sessions of January 1684. (182) The Dorset sessions had also become peripatetic for the purpose of taking oaths at this time. Regular adjournments were made, particularly to the divisional towns of Dorchester and Blandford. (183)

The suppression of dissent could not possibly be achieved in one swift campaign. This had been demonstrated in 1661-65 and 1670-1. Not everywhere was there a justice close at hand to supervise the prosecution of sectaries. (184) Despite the oaths, in many parishes constables, tithingmen, and even clergy, were still unwilling to cause friction by presenting their neighbours. The unreliability of lesser officials, both lay and ecclesiastical, was recognised by the justices of all three counties as the major obstacle to the elimination of heterodox worship.

The Dorset justices echoed the resolutions of the Bruton sessions of January 1682, when at the Bridport sessions in October, they ordered that as 'several ministers in the county have not made certificates of Papists and other dissenters as they ought by order of the Sherborne court (April 1682)', they were to answer for their contempt. (185) The sizeable growth in the conviction of dissenters in Wiltshire during 1682 was still not enough to satisfy the Grand Inquest at the Salisbury sessions of January 1683. Its presentment was uncompromising:

It is the humble desire of the Grand Inquest that the Lord bishop and Deane may be requested by this Court to give order to their officers of the Courts ecclesiastical to proceed to

an excommunication against all sorts of dissenters that they may have no more share in the government of the kingdom.

The constables were also enjoined to perform their duties in presenting non-attenders at church. The Inquest then turned its attentions to the leading figures of Wiltshire nonconformity, who had sustained their congregations for over twenty years:

And whereas we are informed that John Rede of Porton esquire, Robert Grove of Verne (Donhead)... and Peter Ince, a nonconformist minister and several other dissenters from the Church, do refuse to appear at the assize of sessions to answer their several indictments or presentments...we therefore further desire that the Court will order the clerk of the peace of this county or his deputy to proceed against all such dissenters (under whatsoever names they do call themselves) to an outlawry, to the end they be brought to obedience to the King's laws both in Church and State. For we find by more than twenty years experience that nothing but the severity of the law will reclaim such men, and that all Indulgences, Tolerations and connivances makes them the more ready to rebel. For of the prevention of which it is further desired that this Court will make it their request to the Lord Lieutenant and his deputies, according to the example of other places, to give speedy order for the disarming of all sorts of dissenters as dangerous to the peace of this kingdom. (186)

This was little short of a declaration of war on dissent. The justices were fully in accord with the desires of the Inquest, and promulgated a series of orders aimed not only at dissenters, but at any other groups who were seen to constitute a threat to public order. The constables were ordered to enforce strictly Jacobean and Elizabethan statutes against vagabonds and beggars. Weekly searches were to be made in alehouses, and any beggars found were to be whipped until bloody. All passes held by travellers were to be examined, and if invalid, the possessors

were to be flogged. Householders and alehouse keepers were not to give shelter to rogues, on pain of similar punishment, and all officers were to report on their execution of the laws to the justices at their petty sessions. Fear of religious unorthodoxy, revived by the Exclusion Crisis, had reinforced the seventeenth century gentleman's innate fear of the socially unorthodox, who eschewed life in settled communities: all those who did not conform were seen as threats to stability. The list of those who constituted such a danger to society is intriguing: 'scholars going about begging (a foretaste of the 1980s), wrecked seamen, those practising subtle crafts or unlawful games or plays, or feigning knowledge in physiognomy, palmistry etc, fencers, Bear wards, minstrels, jugglers, tinkers, peddlars, petty chapmen, Aegyptians (gypsies)...glass sellers (all of seven years and upwards)'. (187)

Another important concern of the justices at the Hilary sessions was the religious and political position of those who kept ale and victualling houses, and other places of public resort. Many of these establishments were regarded as 'receptacles of all manner of Factious and seditious libels to debauch the minds of His Majesty's subjects'. Consequently, it was ordered that no one be allowed to keep an alehouse unless he or she produced a certificate signed by the minister and churchwardens of his parish signifying 'their conformability to the present government'. (188) In all, this was an impressive programme. The county bench intended to drive shiftless interlopers out of the shire, to regulate the places where the

common people repaired for their entertainment, and to root out religious dissent by pressurizing all lay and ecclesiastical officials into co-operation. This admixture of social, political and religious control makes the Inquest presentment, and the justices' orders, the quintessential documents of the Tory Reaction in the west of England. (189)

In April 1683, at the Sherborne sessions, the Dorset J.P.s reiterated their demands for all ministers in the county to bring in lists of recusants and dissenters residing in their parishes, so that these might be proceeded against by the court. There was to be no let up. (190) Dissenters in Somerset suffered demoralising reverses in the early part of 1683. The most striking of these was a well publicised incident which took place on the banks of the river Avon in April. By this time the authorities in Bristol had forced many of the conventiclers to meet outside the jurisdiction of the city, where their numbers were swollen by co-religionists from the surrounding villages. One favourite spot was by the wooded Avon, which, to the south-east of the city, formed the county boundary between Somerset and Gloucestershire. The dissenters provided themselves with a small flotilla of boats, enabling them to cross the river, if disturbed, and escape the jurisdiction of their persecutors, whether they be from Gloucestershire or Somerset. They reckoned without the pertinacity of one of their bitterest enemies: John Hellier. Hellier was a Bristolian, but during 1682-3 he acted as under-sheriff for Somerset. Incensed by the impunity with which the sectaries worshipped outside the city, he co-operated with

alderman Olliffe (an ultra-tory magistrate) and justice Player of Gloucestershire to set a trap. Leading a Somerset *posse*, he disturbed a service by the Avon, arresting nine meeters. Some 200 worshippers crossed the river into Gloucestershire, and recommenced their prayers. The restarted service did not last long. Out of the trees swooped a party of Gloucestershire officers led by Player. There was pandemonium as the dissenters tried desperately to regain the security of their boats. Many arrests were made, a conventicler was drowned, and a preacher, who nearly suffered the same fate, died soon afterwards.

Hellier attended the following Ilchester quarter sessions, and reported to Jenkins that 'these proceedings...have so discouraged the schismatics in the county, that I hope not one conventicle will remain by the time I leave office'.(191) Hellier was congratulated for his zeal, and assured that reports in the capital that the drowning of the dissenter in the Avon was a murder had no credence with the King.(192)

Persecution of dissenters was maintained at a high level until the end of the reign, but, although forced underground, nonconformity was not broken. The attack in Wiltshire upon the men regarded as the pillars of dissent in the county did not have the desired effect of bringing down the entire edifice, despite constant prosecution. This seemed a sensible strategy. It was obviously not worth fining those who could not pay, and the idea that once the patrons of dissent had been forced into submission the congregations would melt away, accorded well with tory

political and social philosophy. It did not fail for want of trying, as the table below illustrates.

LOCATION OF CONVENTICLE	DENOM/LEADER	INDICTMENTS
Market Lavington	Q. Isaac Selfe	E81, M81/82/84/5.
Donhead St. Andrew	P. Robert Grove	T82, H83, T84, T85.
Ramsbury	P. Henry Dent	M81/82/83/84.
Chippenham	Q. Adam Goldney	H84, E84.
Newton Tony	P. Frances Fiennes	H81/82/83/85.
East Knoyle	P. Sam Clifford	T82, H83, H85.
North Bradley/Southwick	B. Various	T82, E83, T83, T84.
Fovant	Q. James Abbott	T82, E83, H85.

KEY

B: Baptist. P: Presbyterian/Independent. Q: Quaker.

H: Hilary. E: Easter. T: Trinity. M: Michaelmas. (193)

These congregations were the bastions of dissent within the jurisdiction of the county justices. Year after year they were prosecuted, but the spiritual strength all the denominations was equal to their trials.

The Quakers, who eschewed any active role in politics, or indeed any form of resistance to the persecution they endured, suffered particularly. They filled the gaols of the west country because of their refusal to pay fines for contempt of court, or to put up bonds. (194) The picture was not unremittingly dark, however. Their passivity earned them a certain amount of sympathy among the county justices. At the Bruton sessions of January 1684 the hundred or so Quakers who were either summoned to appear, or

were dragged from the insanitary conditions of Ilchester gaol, petitioned the justices, expressing their loyalty to the Crown and challenging the indictments of riotous assembly, sedition and contempt, under which they lay.(195) Viscount Fitzharding, the *custos*, was prepared to be lenient and to discharge all the Quakers, but he met with opposition. Bishop Mews and captain Brangwell (a member of Henry Walrond's much feared troop) tried desperately to dissuade Fitzharding from moderation, and their insistence secured the successful prosecution of a few of the Friends. But Fitzharding refused to be brow-beaten, and eighty-three of the accused were acquitted by the court, under his direction.(196) In Somerset such charity was all too rare. The Quakers believed that the persecution they suffered in the county was as bad as anywhere in England, naming Sir John Smyth, John Bayly (chancellor of Wells), Francis Poulet, Sir Edward Phelips, William Helyar, and Henry Walrond, as their chief tormentors.(197)

The prosecution of dissenters through the civil agencies of the courts or the single justice was only one side of the attempt to crush opposition during the Tory Reaction. The other was the use of the military to investigate the constant, though invariably exaggerated, reports of plotting amongst the disaffected.

Plots Scares and the Militia.

Thomas Dare's prediction in 1680, that if whigs were not allowed to air their grievances peacefully they would be forced into rebellion, echoed resoundingly through the years of the Tory Reaction.(198) The demonstrations, and the dissemination of

sedition literature, which occurred in 1681, gave way in 1682 and 1683 to more serious talk of plots, of arms and of rebellion. In consequence, during 1682 and 1683 there was a substantial increase in militia activity.

In April 1682 the Somerset deputy lieutenants investigated a report that George Speke and the leading members of the Green Ribbon club in Taunton had been stockpiling arms. One rusty musket was found when the search was made, but the deputies were convinced that their plans had been betrayed by an informer, and that the arms had been moved elsewhere.(199) Later in the year the deputies may have requested that regular units be stationed in the shire to supplement their militia forces, and to overawe the countrymen. In September Henry Bull wrote: 'The Red Coats are not pleasing to the country and I think they now wish they had left it undone who ordered it'.(200) Unfortunately, this fascinating piece of evidence is uncorroborated. The three counties had seen little of professional soldiers since the Restoration (with the exception of Monmouth's forces raised for the abortive French war and garrisoned in Wiltshire in 1678), but it is not surprising that soldiers had lost none of their unpopularity in the interim.

If regular units did spend some time in Somerset, they did not achieve the desired effect. In late June 1683 news reached the west of the discovery of the Rye House Plot. This was not one plot but two. The plans of whig magnates to co-ordinate a national rising (which concern us) scarcely constituted a plot at all, but Jenkins possessed evidence which deeply implicated Taunton in the scheme.(201) Once informed, the Somerset deputy

lieutenants went about their tasks with a will. The secretary ordered John Piggott, the county sheriff, to go to Taunton, search for arms, and arrest all those suspected of disaffection. At the same time Lord Stawell was ordered to assist Piggott, along with as many other deputies as were necessary.(202) The tory gentry needed no second invitation to ride into Taunton with the militia.(203) Stawell replied enthusiastically that he would welcome further order to search the houses of all suspected persons in the county.(204)

The enthusiasm of the deputies was not dampened when their initial investigations (over two days) unearthed nothing more formidable than a 'few old swords, pistols and birding pieces'. Leaving Taunton for the time being, they separated and began searching for arms in the countryside.(205) The volume of correspondence issuing from the deputies and militia officers attests their diligence over the next two months.(206) At Bridgwater their search for arms was extended, and they supervised the destruction of the main dissenting meeting house in the town, which had a demoralising effect on the recalcitrant corporation there. (207)

Quite soon it emerged that there was no concrete evidence for the conspiracy. John Trenchard, the key figure in the west country plottings, had been taken in London at the end of June, but he refused to confess. John Friend of Taunton was arrested and sent up to the capital, and other members of the Green Ribbon club in the town were kept under close scrutiny, all to no avail. The extreme tories, Peter Mews and Henry Walrond, strained at the

leash during July and August trying to procure orders to search the houses of the unrepentant whig gentry in the shire, but not until September were their wishes granted.(208) Walrond's principal objective was Whitelackington, home of the Spekes. The captain and his troop (which he used almost as a private army) met with Lord Stawell, Sir Francis Warre and colonel Helyar, and then divided into three. The main force proceeded to Whitelackington, while detachments were sent to search the houses of two other leading whigs, Sir Edward Hungerford's at Farleigh Hungerford and Warwick Bampffield's at Hardington. Little was found, but the searches, which were not conducted with the greatest of delicacy, appear to have made a profound impression on the whig gentry. Soon afterwards it was noted in Taunton that 'great whigs (were) striving to give public testimony of their returning to their allegiance'.(209) The Somerset contribution to the Rye House Plot was probably five per-cent plot and ninety-five per-cent bravado, but the lieutenancy acted with steely vigour, treating every report seriously. What was left of the whig county gentry suffered the indignity of militia troopers forcing their doors, ransacking their studies and pulling up their floorboards, and did not forget the experience.

In Dorset and Wiltshire there was far less militia activity. The earl of Bristol put all his militia officers in a state of readiness, in compliance with the command of 11 July for all lords lieutenant to raise their militias. He took care, however, to follow Jenkins' instructions in raising only so many soldiers as were 'absolutely necessary to make a thorough search

in the whole county'.(210) Bristol returned an account of the arms seized to Jenkins on 1 August. Although a 'very diligent' search had been made, few arms were found. The earl suspected that the Dorset men had been given advance warning of the searches, but it is more likely that there were few arms in the county to find.(211) Militia troops carried out house-to-house searches in Lyme and Bridport; and in Bridport, for certain, nonconformists suffered some harassment. (212) Some suspects from other parts of the county were ordered by Bristol to be bound over to the assizes. The most important of these was Walter Foy, a whig attorney, who made the mistake of reproaching militia troopers while they were conducting an arms search. Christopher Bettiscombe was seized from his bed by troopers, but was released before news arrived from London that he was suspected of being a close conspirator. A few days later he was retaken at Dorchester.(213) Foy was tried at the assizes as an example to the county, but Bettiscombe like most of the conspirators was eventually released without charge.(214)

Few arms were found in Wiltshire. Earlier in the year there had been much talk, in those coffee houses in the county still open, that 1683 would be a momentous year, but little in the way of conspiracy seems to have taken place.(215) The illness and subsequent death of the seventh earl of Pembroke accounted for the delay in the searches which took place in Wiltshire, and probably resulted in the concealment of what few arms the disaffected possessed.(216) Later in the year John Wyndham, in accordance with the order made at the Hilary sessions, was busy

investigating the activities of a group of Scots peddlars in the small villages around Salisbury. Taking many examinations, he traced their route from a general rendezvous at Tetbury, Gloucestershire, through Devizes and down to Shaftesbury in Dorset, along which they acted as couriers for disaffected groups. (217) Unfortunately, little more is recorded of the activities of these shady Caledonians, nor of any other major subversive activity in the region before the end of the reign.

(d) Conclusion

When Charles II died the relationship between the rulers of the western counties and central government was better than at any time in living memory. The Crown had enjoyed the support of the majority of the county gentry from the start of the Exclusion Crisis, and its ability to defeat the strong parliamentary challenge of exclusionism was dependent on these influential provincial supporters. Three successive electoral reverses mattered little if the county benches and the lieutenancies were controlled by the tories. The regulations of the commissions of the peace in 1680 and 1681 re-inforced the tory strength in the shires, emasculated the whigs, and created an atmosphere of retribution and intolerance. Justices who had been content to leave nonconformists alone in the 1670s, because they no longer considered them a political threat, were now convinced that they should be persecuted. The description of the nonconformists as vectors of a radical republican disease, made by Peter Mews in 1676 and 1677, seemed particularly apt to those gentlemen who saw their traditional parliamentary seats fall to the populist whig

tide, or had been threatened into signing petitions by factious mechanics. Similarly, the county justice now knew that a show of sympathy towards dissent could be interpreted as a sign of political disaffection. With their patrons turned off the commissions, and moderation out of season among Anglican magistrates, the dissenting populations of the west had their spiritual resilience put to the test between 1681 and 1685. The identification of a common enemy produced a unanimity of purpose in the relationship between Crown and county administrators which had not been in evidence since the Restoration. Charles had sought to avoid relying solely upon the Anglican gentry, his natural supporters in the provinces, but forced into this course by the Exclusion Crisis, he found it more to his purpose than the political balancing act with which he had been struggling since 1660. By 1681 the government of the counties had been settled to his satisfaction, but as yet the corporations remained beyond his grasp.

Footnotes to II. (i): Politics and County Government in the Exclusion
Crisis and Tory Reaction 1679-85.

1. This argument is given coherent expression in Coleby, 'Hampshire', pp. 260-264. The experience of Hampshire in the 1670s was rather different from that of the three counties: nearly half the M.P.s in the shire were Court-dependants; a popular lord lieutenant was dismissed for political reasons; and the county, which had enjoyed free access to the patronage of the earl of Southampton in the the 1660s, felt increasingly isolated from the Court.
2. Coleby, 'Hampshire', pp. 253-264. This is by far the best account of the Court/Country split in an English county.
3. George Bowerman (Bridport), Edward Osborne, Viscount Latimer (Corfe from 1677), Sir John Shaw (Lyne), Francis Gwyn (Chippenham), Daniel Finch (Great Bedwyn), George Legge and William Ashburnham (Ludgershall), Sir John Elwes (Marlborough), Edward Nicholas (Old Sarum), Henry Bertie (Westbury 1678), Sir John Birkenhead (Wilton). House of Commons, I-III, *passim*. A. Browning, Thomas Osborne, Earl of Danby and Duke of Leeds, (3 vols., Glasgow, 1951), III, 33-104. English Historical Documents, ed. A. Browning, (London, 1953), pp. 237-247.
4. Sir John Strode (Dorset County), George Bowerman, Wadham Strangways (Bridport), Viscount Latimer, John Churchill (Dorchester), Sir John Shaw, Thomas Strangways (Poole), Sir Winston Churchill (Weymouth), Sir William Bassett (Bath), Edmund Wyndham (Bridgwater), Thomas Wyndham (Minehead), Sir William Wyndham (Taunton), Viscount Fitzharding (Wells), Francis Gwyn, Sir John Ernle (Cricklade), George Johnson (Devizes), Daniel Finch, Henry Clerke (Great Bedwyn), Edward Seymour and Robert Hyde (Hindon), George Legge and William Ashburnham, Philip Howard and Thomas Escourt (Malmesbury), Sir John Elwes and Jeffrey Daniel (Marlborough), Sir Stephen Fox (Salisbury), Edward Nicholas, Richard Lewis (Westbury), Henry Bertie, Sir John Birkenhead. K.H.D. Haley, 'Shaftesbury's Lists of Peers and Commons 1677-1678', B.I.H.R., XLIII (1970), 97, 100, 102-3.
5. Sir Edward and Edward Phelips (Ilchester and Somerset County), John Hunt (Milborne Port), Peregrine Palmer (Bridgwater), William Duckett (Calne).
6. Justices: Sir John Strode, John Churchill, Thomas Strangways, Sir Winston Churchill (Dorset); Sir Edward and Edward Phelips, Sir William Bassett, Edmund Wyndham, Peregrine Palmer, Thomas Wyndham, Sir William Wyndham, Viscount Fitzharding (Somerset); Will Duckett, Sir John Ernle (did not attend a sessions), George Johnson, Henry Clerke, Robert Hyde, Jeffrey Daniel, and Richard Lewis (Wiltshire). D.R.O., Quarter Sessions Minute Book 1669-1687, S.R.O., Q/SO/7, Quarter Sessions Order Book 1676-1687. W.R.O., A1/160/3, Quarter Sessions Order Book 1668-1678.

7. As the Crown docquet book (P.R.O., C231/7) is a little unreliable at this period, this may be a slight underestimate. Justices: Thomas Browne (Dorset County), John Tregonwell (Corfe)†, Henry Whittaker (Shaftesbury), Sir John Morton (Poole), Sir John Malet (Minehead), John Hall (Wells), Sir Richard Grobham-Howe (Wilts. County), Sir Edward Hungerford (Chippenham)†, Sir Giles Hungerford (Cricklade)†, Sir Edward Baynton (Devizes), Sir Thomas Mompesson (Wilton), John Pleydel (Wootton Bassett)†, Henry Eyre (Downton)†, Sir William Portman (Taunton)†. † denotes a justice who is not recorded as attending a sessions 1673-8.
8. For Baynton and Mompesson see House of Commons, I, 607-9; III, 71-3.
9. Reprinted in English Historical Documents 1660-1714, for the western counties see pp. 240, 244-7.
Justices: Sir Winston Churchill, Sir William Bassett, Viscount Fitzharding, Sir William Portman (interestingly), Sir Edward Wyndham, Thomas Wyndham, Sir John Ernle, Henry Clerke, George Johnson, Robert Hyde.
Deputy lieutenants: Bassett, Fitzharding, Portman, and the Wyndhams (all Somerset).
10. C.S.P.D. 1675-6, pp. 232, 245, 263, 331, 355. Giles Strangways, the very model of a Country cavalier before 1674, developed a taste for office thereafter. He was appointed a privy councillor shortly before his death in July 1675. House of Commons, III, 495-7.
11. In 1677-8 Thomas Strangways supported his cousin Thomas Browne against the Court candidate, Sir Nathaniel Napier. In 1679 he put his interest at Weymouth and Poole at the disposal of two whigs. See below pp. 158, 165.
12. D.R.O., Quarter Sessions M.B. 1669-1687; S.R.O., Q/SO/7; W.R.O., A1/160/3.
13. Thomas Browne, John Tregonwell, James Gould (Dorchester), Henry Whittaker, Thomas Bennet (Shaftesbury), Henry Henley (Lyme), Anthony Ashley, Sir John Coventry and John Man (Weymouth), Sir John Morton (Poole), Sir Richard Grobham-Howe and Thomas Thynne (Wilts. County), Sir Edward Hungerford, Sir Giles Hungerford, Sir Edward Baynton, Sir Joseph Ashe and Henry Eyre (Downton), Will Ashe (Heytesbury), Eliab Harvey (Old Sarum), Sir Thomas Mompesson, John Pleydel and Walter St John (Wootton Bassett), Sir John Sydenham (Somerset County), Sir George Speke (Bath), Sir John Malet, John Hall, Michael Malet (Milborne Port). Sir William Portman may merit inclusion in this list, but as his political position at this time was as much a mystery to his contemporaries as it is to us, his exclusion is defensible.
14. House of Commons, III, 71-3. Mompesson was a Wiltshire deputy lieutenant.

15. House of Commons, II, 154. Earl of Pembroke to secretary Williamson, 2 June 1675, P.R.O., SP29/371/14. C.S.P.D. 1675-6, p. 161.
16. House of Commons, III, 109. Morton was appointed a deputy lieutenant on the death of his father in 1663. P.R.O., SP29/440/90.
17. House of Commons, III, 588-90.
18. Malet's papers are preserved in B.L., Add. MSS, 32,094-5. They include considerable correspondence upon political topics with the earl of Essex in Ireland. House of Commons, III, 5-9, 523.
19. The other two were Sir Richard Grobham-Howe and Sir George Hungerford.
20. Underdown, Somerset in the Civil War, pp. 128, 159, 164, 167.
21. C.S.P.D. 1666-67, p. 465; C.S.P.D. 1675-76, p. 161. P.R.O., SP29/371/14. House of Commons, I, 607-9.
22. House of Commons, III, 463.
23. House of Commons, II, 524.
24. C.T.B., IV, 693-8; V, *passim*.
25. For Shaftesbury's use of bribery in the 1673 elections see Anon. to John Man, 18 Jan. 1673, D.R.O., D124, Box 233, Correspondence of Giles Strangways. House of Commons, III, 496-7.
26. The Seymour-controlled seats at Marlborough and Great Bedwyn went to Sir John Elwes and Daniel Finch. George Legge, on the recommendation of the duke of York, pocketed the Ludgershall seat controlled by the catholic Browne family; and Francis Gwyn defeated a fellow courtier, Vere Bertie, at Chippenham. House of Commons, I, 440, 446, 450, 454.
27. House of Commons, I, 376, 380, 452, 456. John Hall appears to have prepared the ground thoroughly at Wells. After his election he treated the members of the corporation, whenever rumours were circulating that a new parliament was to be called. Bishop Mews to secretary Coventry, 28 Oct. 1676, Coventry MSS, VII, fo. 82v.
28. House of Commons, II, 213-4, 555.
29. John Shuttleworth to Mr Dibben, 27 November 1679; Hugh Hodges to Thomas Strangways, 26 Jan. 1682, D.R.O., D124, Box 233, Correspondence of Thomas Strangways. Strangways vouched for Hodges' character after he had assaulted a hearth tax collector in Sherborne. C.S.P.D. 1675-76, p. 223. The Strangways/Digby alliance also included the bishop of Bristol, who regularly stayed at Sherborne Castle and Melbury Sampford. Var. letters, D.R.O., D124, Box 233, Correspondence of Thomas Strangways.

30. Nathaniel Osborne to secretary Williamson, 28 July 1675, C.S.P.D. 1675-76, p. 232.
31. The account of this election in House of Commons, I, 211, is unsatisfactory. Shaftesbury's draft letter, 28 Aug. 1675, P.R.O., Shaftesbury Papers, PRO 30/24/5, fos. 287-8, is printed in The Pythouse Papers, ed. W.A. Day, (London, 1879), pp. 103-5. See also the rather unforthcoming letter from the earl of Bristol to Shaftesbury, 15 Oct. 1675, printed in H.M.C., Fifteenth Report, VII, 178.
32. For an example of this, letter of Richard Fownes, George Ryves, and Henry Butler to Giles Strangways, 16 July 1666, D.R.O., D124, Box 255, Militia Papers of Giles Strangways, and above p. 72. It is interesting to note that the County election to the First Exclusion Parliament was settled at the house of Robert Coker (Mappowder), close to the geographical. centre of the shire.
33. Osborne to Williamson, 2 Oct., C.S.P.D. 1675-76, p. 331. Osborne was sure that Digby had most of the gentry on his side, but was worried that Shaftesbury might have greater success amongst the commonalty. Digby enjoyed the valuable support of Guy, bishop of Bristol, who wrote to the Dorset clergy in his diocese, ordering them to use all their influence with the freeholders of their parishes to oppose Moore's candidature. Bishop of Bristol to Mr Forsyth (minister), 13 Sept., P.R.O., PRO 30/24/5, fo. 289.
34. Anthony Thorold to Williamson, 20 Oct., C.S.P.D. 1675-76, p.355.
35. Bath R.O., Council Minute Book II, p. 661.
36. W.R.O., G20/1/18. House of Commons, I, 445.
37. House of Commons, I, 447. Duke of Somerset to Thomas Thynne, undated, B.L., Microfilm, M.904, Thynne MSS, XII, fo. 25.
38. Osborne to Williamson, 2 May 1677, C.S.P.D. 1677-78, p. 106.
39. Thomas Strangways to Thomas Browne, 13 May 1677, D.R.O., D124, Box 233, Correspondence of Thomas Strangways. Osborne to Williamson, 7 April; Thorold to Williamson, 2 May; Osborne to Williamson, 5 May, C.S.P.D. 1677-78, pp. 80, 101, 115.
40. House of Commons, I, 215, 220.
41. Thorold to Williamson, 27 Jan., 3 Feb. 1677, C.S.P.D. 1676-7, pp. 522, 535. House of Commons, I, 213, 447.
42. C.S.P.D. 1677-78, p. 80. We know that Ettrick was steward to Peregrine Osborne at a later date, see n.177, p.303. Ettrick would not have won great popularity among his colleagues on the bench with this subterfuge. Even strong supporters of the Court viewed with distaste the taking of local seats in such a manner. In 1676 Peter Mews advised that 'the Governors of His Majesty's Towns and

Castles (should) not set up their relations against the gentry of the country, for it gives great disgust, and is prayed on hard by those that favour the fanatic party'. This, however, was not a major problem in the three counties, for there were enough seats to satisfy local demand in the course of the 1670s. Coventry MSS, VII, fo. 78.

43. Sir Joseph Ashe to John Snow, 29 July 1678, W.R.O., 490/1084. House of Commons, I, 445, 458.
44. S.R.O., DD/PH/216/219. Clifton, Last Popular Rebellion, pp. 59-64. House of Commons, I, 462-4, 596-600. The dissemination of news and anti-Court propaganda throughout Somerset was greatly facilitated by the organisation of the nonconformist churches. Bishop Mews (who, admittedly, blamed dissenters for everything) often accused the 'sectaries' of spreading rumours and insinuations, which went uncountered among the countrymen. Mews to Coventry, 28 June 1676, 19 Aug. 1676, 27 June 1677, Coventry MSS, VII, fos. 72v, 78, 90.
45. W.R.O., A1/160/3, Hilary sessions 1677.
46. J.R. Jones, The First Whigs: The Politics of the Exclusion Crisis 1679-1683 (London, 1961), pp. 20-30.
47. Circular letter, 6 Jan. 1679, C.S.P.D. 1679-80, p. 11. House of Commons, I, 443.
48. H.M.C., Finch II, 46. Unfortunately, these dismissals are not recorded in the Crown docket book, indeed, Ashe is recorded as being dismissed in July 1674. P.R.O., C231/7, p. 430.
49. P.R.O., C231/7, p. 528.
50. Williamson to the lords lieutenant, 14 Jan. 1679, C.S.P.D. 1679-80, p. 28.
51. Secretary Coventry to Pembroke, 12 Nov. 1678, C.S.P.D. 1678, p. 517. The bridges were at Hannington, Castle Eaton, and Cricklade. P.R.O., PC2/66, p. 443. D.R.O., Quarter Sessions M.B. 1669-1687, Shaftesbury sessions, July 1679. The first orders to disarm papists had been issued on 30 September. PC2/66, p. 409.
52. C.S.P.D. 1678, p. 580. Commissions were issued for taking oaths from named recusants early in 1679. P.R.O., C231/7, p. 554. In early December an order was issued for Sir William Wyndham to deliver up to London an Irish catholic priest whom he had arrested at Minehead and subsequently imprisoned. P.R.O., PC2/66, p. 474.
53. William to Edward Clarke, 20 Jan. 1679, S.R.O., Sandford MSS, DD/SF/3109.
54. Edward Seymour to Williamson, 8 Feb. 1679, C.S.P.D. 1679-80, p. 77.

55. House of Commons, I, 440, 451.
56. House of Commons, I, 439.
57. Aubrey, Brief Lives, I, 105.
58. S.T. Bindoff, 'Parliamentary History 1529-1688', in V.C.H. Wilts., V (1956), 163.
59. House of Commons, I, 214, 220.
60. This figure excludes eight of the nine candidates defeated at Shaftesbury, who were not serious contenders.
61. Thomas Chafin at Poole, and Thomas Browne at Weymouth. Thomas Strangways to Poole Corporation, 29 Jan. 1679; T.S. to Sir John Morton, 9 Aug. 1679. D.R.O., D124, Box 233, Correspondence of Thomas Strangways.
62. House of Commons, I, 377.
63. House of Commons, I, 376.
64. Will. to Ed. Clarke, 29 Dec. 1678. S.R.O., DD/SF/3109. See below pp. 235-239.
65. Account in unsigned unaddressed draft letter (possibly by William Phelips). ? Feb. 1679, S.R.O., DD/PH/216/219.
66. Will. Strode and John Speke eventually won the seat on a judgement of the Committee of Elections. C.J., IX, 570, 581, 707. Bishop Mews reported that the Ilchester bailiff conducted the election irregularly, taking the voices of all-comers for Strode and Speke. Mews to Henry Coventry, 22 Feb. 1679. Coventry MSS, VII, fo. 150.
67. See below, p. 237.
68. Glassey, Politics, pp. 41-2. P.R.O., PC2/68, pp. 30, 42, 47. Lists of justices were requested on 21 May. The magnates who were to examine the commissions of the three counties were as follows:
Dorset: Shaftesbury, the marquis of Winchester, Sir Francis Holles.
Somerset: Shaftesbury, secretary Coventry, Sir John Ernle, Edward Seymour.
Wiltshire: Shaftesbury, the marquis of Winchester, Sir John Ernle, Edward Seymour, Mr Powle.
69. P.R.O., C231/8, pp. 6, 12. Bishop Mews expressed fears in June that Edward Phelips had been left out of the Somerset commission. In fact, Phelips' name was only misspelt, not omitted. Glassey, Politics, p. 43. Mews to Coventry, 9 June 1679, Coventry MSS, VII, fo. 152. S.R.O., Q/JC/83, Commission of 3 May 1679. John Speke was, in addition, created a deputy lieutenant on 8 April. C.S.P.D. 1679-80, p. 322.

70. S.R.O., Q/SO/7, fos. 158, 179v-187v. On 31 January a privy council order was made to the effect that any justice who was negligent in administering the oaths was to be dismissed. In Somerset this order was delivered to bishop Mews, who caused it to be published at the election of the knights of the shire on 11 February. All the gentry present greeted it with very great satisfaction, for many were deeply concerned that since the dissolution the investigation of the plot had been accorded lower priority. P.R.O., PC2/67, p. 64. Mews to Coventry 11 Feb., Coventry MSS, VII, fo. 148.
71. D.R.O., Quarter Sessions M.B. 1669-87, Sherborne sessions 29 April 1679.
72. House of Commons, III, 682-3. L.J., XIII, 482-3. P.R.O., PC2/67, p. 145. The evidence against Weld is contained in H.M.C., Lords I, 125-7.
73. D.R.O., Quarter Sessions M.B. 1669-1687, Shaftesbury sessions 15 July, Bridport sessions 7 Oct..
74. W.R.O., A1/110, Quarter Sessions Great Rolls Hilary 1679 to Easter 1680. The recusancy roll records a massive increase in the number of convictions for Wiltshire; from barely double figures to 124. J.A. Williams has calculated that about two-thirds of this figure comprised catholics. P.R.O., E377/73. J.A. Williams, Catholic Recusancy in Wiltshire, p. 28.
75. D.R.O., Quarter Sessions M.B. 1669-87. S.R.O., Q/SO/7, fos. 153-196. W.R.O., A1/160/4, Hilary to Michaelmas 1679.
76. For the hostile attitude of the Phelips family to popery see Clifton, Last Popular Rebellion, p. 57. S.R.O., DD/PH/211/85.
77. Four defeated Court supporting candidates attended the Somerset quarter sessions at Bridgwater in July, as did bishop Mews. They were: Viscount Fitzharding, Robert Hunt, Edward Phelips, and Ralph Stawell. Among the other justices who attended were the exclusionists, Sir John Malet and William Clarke. S.R.O., Q/SO/7, fo. 179v. In Wiltshire, Sir John Talbot, Sir Henry Coker, and Richard Lewis, all strong adherents of the Crown, attended the Trinity sessions at Warminster. They were faced by the exclusionists, John Hall, Robert Compton, and John Mervin. W.R.O., A1/160/4. During the run up to the elections in Somerset tempers were strained. Before the poll for the county election, a party of George Speke's 'Club Men' assaulted an Anglican minister, who was accused of being a Jesuit. The unfortunate cleric was rescued by Sir William Portman. Mews to Coventry, 27 Aug. 1679, Coventry MSS, VII, fo. 164.
78. Henry Bull to Robert Hunt, 19 March 1679, Bristol University, Bull/Shapwick MSS, DM 155, fo. 138.
79. Henry Bull to Robert Toplady, ? July 1679; Bull to Robert Hunt, 29 Aug., Bull/Shapwick MSS, DM 155, fos. 130, 139.

80. See below, pp. 237-238.
81. Thirteen seats were contested. Only one of these was in Dorset, where the prevalence of the wider franchise discouraged many Tories from standing.
82. House of Commons, I, 213, 216. Thomas Strangways to Sir John Morton, 9 Aug. 1679, D.R.O., D124, Box 233.
83. Henry Bull to Robert Hunt, 10 Oct. 1679, Bull/Shapwick MSS, DM 155, fo. 135. C.S.P.D. 1679-80, p. 62. This election has escaped the notice of the compilers of the House of Commons.
84. Quoted in Jones, The First Whigs, p. 106.
85. Glassey, Politics, p. 45. P.R.O., PC2/68, p. 309. The committee included Finch, the earls of Radnor and Sunderland, and Sir Leo-line Jenkins. Bishop Mews had suggested as early as June 1679 that the omission of several justices in Somerset would be of benefit to the King's cause. Coventry MSS, VII, fo. 152.
86. Dates but not details of the new commissions are given in P.R.O., C231/8, p. 32.
87. Sir Francis Holles, Henry Bromfield, Henry Whitehead, and Thomas Knowle were left off the commissions of both Dorset and Wiltshire, while John Hall and Sir Edward Hungerford were left out for both Somerset and Wiltshire. H.M.C., Eleventh Report, Appendix II, 177, 188, 191.
88. House of Commons, III, 373.
89. D.R.O., Quarter Sessions M.B. 1669-87. C.S.P.D. 1675-76, p. 223. H.M.C., Eleventh Report, Appendix II, 177.
90. Sir Francis Holles, Sir Edward Hungerford, Sir John Malet, Will Strode, John Speke, John Hall, and Sir Richard Grobham-Howe. Those elected in August were Sir Walter St John and Sir John Morton. William Clarke, twice unsuccessful candidate at Bridgwater, was also omitted.
91. C.S.P.D. 1679-80, pp. 376-7.
92. P.R.O., C231/8, p. 4. For Scroop's appointment as a catholic justice in the reign of James II, see below, p. 343.
93. Thomas Knowles, a supporter of the Court, died in 1679. This group of justices did not attend a sessions between them, in Dorset or Wiltshire. Henry Bromfield was an M.P. during the interregnum and in the Convention, and Whitehead was known to be a supporter of dissenters. House of Commons, I, 724-5; II, 215, 700; III, 708. A.M. Coleby, Central Government and the Localities: Hampshire 1649-1689 (Cambridge, 1987), p. 139. P.R.O., C231/7, p. 494.

94. Earle was a moderate tory. His well-known reluctance to persecute dissenters may have cost him his place on the bench. House of Commons, II, 251. P.R.O., C231/8, p. 52.
95. Ed. Strode to Conway, 28 Jan., 10 Feb., 16 Feb. 1680, C.S.P.D. 1680, pp. 379, 389, 393.
96. Henry Bull to Robert Hunt, 24 Dec. 1679, Bull/Shapwick MSS, DM 155, fo. 136.
97. H.M.C., Eleventh Report, Appendix II, 178, 188, 191; checked with Somerset commissions of Dec. 1679 and Feb. 26, S.R.O., Q/JC/84, 86; Dorset commission of 24 Feb. 1680, D.R.O., D1/KG/1148.
98. H.M.C., Eleventh Report, Appendix II, 188. C.S.P.D. 1679-80, p. 600; C.S.P.D. 1680-81, p. 12. P.R.O., PC2/68, pp. 482-3.
99. K. Rogers, The Book of Trowbridge (Beckington, 1984), p. 47.
100. For the political vacillation of the Duckett family see R.A. Beddard, 'The Retreat on Toryism: Lionel Duckett, Member for Calne, and the Politics of Conservatism', W.A.M., LXXII (1980), 75-106. Lionel Duckett, son of William, was M.P. for Calne in the second Exclusion Parliament. At first he was inclined toward whiggery, but was so appalled by the violence of whig debating tactics that he withdrew to Wiltshire and changed his politics.
101. Talbot attended only one sessions in Wiltshire between M. 1665 and T. 1679, after which he sat regularly, and was very active out of sessions. W.R.O., A1/150/11; 160/3; 160/4. For Clarendon's interest in Wilts. see below, p. 189-190.
102. H.M.C., Eleventh Report, Appendix II, 192.
103. There is uncertainty about the Wiltshire omissions during the summer. The Lords' papers record only the displacement of John Ashe of Heywood (near Westbury), as does the privy council register, but the Crown docquet book lists Ashe, John Eyres(?), and 'others'. P.R.O., PC2/69, p. 24; C231/8, p. 32. Hugh Hodges was active again in the Dorset commission by the autumn. D.R.O., Quarter Sessions M.B. 1669-87, Bridport sessions 7 Oct.
104. C.S.P.D. 1679-80, pp. 376-7. N. Luttrell, A Brief Historical Relation of State Affairs (6 vols., Oxford, 1857), I, 32.
105. Luttrell, Historical Relation, I, 31.
106. Clifton, Last Popular Rebellion, p. 61.
107. Henry Bull to Robert Hunt, 7 Jan. 1680, Bull/Shapwick MSS, DM 155 fo. 129.
108. George Bisse to John Speke, n.d., P.R.O., SP29/417/256.

109. Mews to Coventry, 31 Mar 1680, Coventry MSS, VII, fo. 198. An account of the trial is contained in Mews to Jenkins, 3 April 1680, C.S.P.D. 1679-80, p. 428.
110. C.S.P.D. 1680-81, p. 152.
111. P.R.O., SP29/417/256. Mews had written to Coventry, telling him: 'I shall attend the sessions at Ilchester, a place of which I can give no good account, there being in it some pestilent fellows whom I am resolved to make better, or make my diocese uneasy for them'. Letter of 11 April, Coventry MSS, VII, fo. 202.
112. Affidavits and certificates of John Glade, Thomas Beare, and officers of Chard in relation to Speke's case. C.S.P.D. 1679-80, pp. 447, 451, 459. John Speke to Hugh Speke, 12 May 1680, Ibid., p. 471. Hugh Speke to Charles Speke, n.d., C.S.P.D. 1680-81, p. 260.
113. C.S.P.D. 1679-80, p. 471.
114. Clifton, Last Popular Rebellion, p. 59.
115. W.R.O., A1/110, M.1679, H.1680.
116. S.R.O., Q/SO/7, fos. 210, 220v, 221. The only surviving example of these commissions in the west is that sent to Somerset. S.R.O., Q/JC/85. The Ilchester sessions was adjourned four times to facilitate the administering of the oaths. In May the Wilts. clerk of the peace was ordered to proceed to the indictment of all the recusants contained in the justices' supplemental list. P.R.O., PC2/69, pp. 381, 532.
117. W.R.O., A1/110, M.1679, H.1680.
118. W.R.O., A1/110, E.1680.
119. W.R.O., A1/110, T.1680.
120. S.R.O., Q/SO/7, fo. 240v, declaration of conventicle fines. D.R.O., Quarter Sessions M.B. 1669-87, warrants for apprehending nonconformists indicted at the Shaftesbury sessions, issued at Bridport sessions, 5 Oct. 1680.
121. J.S. Cockburn, A History of the English Assizes 1558-1714 (Cambridge, 1972), p. 250.
122. Jenkins to Stawell, 19 June 1680; Jenkins to the bishop of Bristol, 19 Aug. 1680, C.S.P.D. 1679-80, pp. 521, 615.
123. Certificate by Sir Robert Cann, Roger Yeamans, and Ralph Olliffe, 11 Aug. 1680, C.S.P.D. 1679-80, p. 597. Wade later fought for the duke of Monmouth in 1685, was reprieved, and in 1688 became one of James II's electoral agents in the west.

124. Jenkins to George Clerke, 11 Sept. 1680, C.S.P.D. 1680-1, p. 12.
125. Jenkins to Stawell and the bishop of Exeter, 3 July 1680, C.S.P.D. 1679-80, p. 535.
126. Details of the duke's tour are contained in two pamphlets: A True Narrative of the Duke of Monmouth's Late Journey into the West (London, 1680); His Grace the Duke of Monmouth Honoured in His Progress (London, 1680). See also C.S.P.D. 1679-80, p. 624.
127. Jenkins to Mews, 12 Aug. 1680, C.S.P.D. 1679-80, p. 600. C.S.P.D. 1680-81, p. 12.
128. Jones, The First Whigs, pp. 130-3.
129. Jones, The First Whigs, pp. 115-133. This standard account of central politics emphasizes the precariousness of the Crown's position in 1680, without taking sufficient account of the developments in provincial government during the year.
130. Glassey, Politics, p. 47.
131. H.M.C., Eleventh Report, Appendix II, 177-8, 188-9, 191-2.
132. There were as few as nine electoral contests in the region. Of the seventy seats, the whigs claimed between thirty-eight and forty.
133. House of Commons, I, 373.
134. Bath R.O., Council M.B. II, p. 812. House of Commons, I, 374-5.
135. W.R.O., G23/1/4, fo. 244v. House of Commons, I, 447.
136. Sir Jos. Ashe to Snow, 3 Jan., 5 Feb. 1681, W.R.O., 490/1084.
137. Clarendon to Jenkins, 13 Feb. 1681, C.S.P.D. 1680-81, pp. 164-6.
138. C.S.P.D. 1680-81, pp. 164-166.
139. Jenkins to Pembroke, 11 Mar., 23 April 1681, C.S.P.D. 1680-81, pp. 209, 248.
140. Jenkins to Pembroke, 11 May 1681, C.S.P.D. 1680-81, p. 272.
141. C.S.P.D. 1679-80, pp. 61-2. Jenkins to the earl of Winchelsea (lord lieutenant of Somerset), 28 April 1681, C.S.P.D. 1680-81, p. 257.
142. P.R.O., PC2/69, p. 295.
143. C.S.P.D. 1680-81, pp. 257-260.
144. Hugh to Charles Speke, n.d., C.S.P.D. 1680-81, p. 260.

145. Glassey, Politics, p. 54. P.R.O., C231/8, pp. 52-3.
146. S.R.O., Q/JC/88, Commission of the Peace, 28 July 1681.
147. A good proportion of these addresses are listed in Luttrell, Historical Relation, I, 79-148. Towns which produced an address included Salisbury, Wilton, Bridgwater, Marlborough, Bath, Devizes, Weymouth, Axbridge, Wootton Bassett, Wareham, and Lyme Regis.
148. An Impartial Account of the Nature and Tendency of the Late Addresses (London, 1681).
149. Luttrell, Historical Relation, I, 88. S.R.O., Q/SO/7, fo.265. Justices: Sir Edward Phelps, bishop Mews, Sir John Smyth, John Carew, Sir William Wyndham, Will Helyar, John Piggott, Harry Bridges, Henry Walrond, James Prowse, Peregrine Palmer, Francis Luttrell, John Hunt, Henry Bull, Edward Clarke, Thomas Palmer, and Richard Crosse.
150. P.R.O., SP29/416/60, Bridgwater address. Phelps to Jenkins, 16 July 1681, C.S.P.D. 1680-81, p. 360.
151. W.R.O., A1/110, T. 1681; A1/160/4, T.1681.
152. W.R.O., A1/160/4, T.1681. The inadequacy or untrustworthiness of bailiffs was a common problem after the Restoration. Justices launched sporadic drives to reform the abuses of these lesser officials, but there is no doubt that the motive behind the Warminster orders was political. For the best account of the dealings of the quarter sessions with unreliable officials see S.K. Roberts, 'Initiative and Control: the Devon Quarter Sessions Grand Jury, 1649-70', B.I.H.R., LVII (1984) 165-177.
153. W.R.O., A1/110, T.1681. The letter is contained in the Great Roll.
154. An example of this was the presentment for Dunworth Hundred, which contained the villages of Donhead St Mary and Donhead St Andrew, which had large nonconformist congregations.
155. W.R.O., A1/110, T.1681. Informations of William Tipper, Thomas Tucker, George Gunne, and William Chubb.
156. S.R.O., Q/S1/186, Conventicle Roll from 1680/1, listing a mass of convictions, almost all by Henry Walrond; Q/SR/150, fos. 1-2, Informations taken before Walrond concerning a conventicle, which met at two o'clock in the morning to avoid disturbance by Walrond's militia troop.
157. C.S.P.D., pp. 360, 368.

158. James Douch to Richard Newcourt, 11 July; Jenkins to North, 14 July; Jenkins to Stawell, 14 July. C.S.P.D. 1680-81, pp. 352, 358-9, 366.
159. Jenkins to Douch, 22 July, C.S.P.D. 1680-81, p. 366.
160. Thomas Venn to Jenkins, 11 July, P.R.O., SP29/416/51.
161. Venn to Jenkins, 14 Oct., P.R.O., SP29/417/318.
162. P.R.O., C231/8, pp. 53-117. The one dismissal recorded was Francis Hill of Wiltshire.
163. The twenty-four were:
 Dorset: Anthony Floyer, Francis Lord Holles, Sebastian Isaac, John Chichester, Francis Mohun, Will. Bowles, Gregory Alford, Francis Luttrell, Will. Culliford, and Charles Brune.
 Somerset: John Ashford, Ferrers Greisley, John Bluett, Viscount Weymouth, Stephen Timewell.
 Wiltshire: Sir Thomas Thynne (later Viscount Weymouth), Charles, Lord Herbert, Abjohn Stoakes, Edmund Webb, Henry Baynton, Michael Everleigh, Lawrence Swanton, Richard Aldworth, John Davenant.
 For the diligence of the newly-commissioned Ferrers Greisley see S.R.O., Q/SR/153-157.
164. Fitzharding to Godolphin, 1 Aug. 1683, P.R.O., SP29/430/4.
165. P.R.O., SP29/430/4, I-II. B.L., Add. MSS, 46,373B, fos. 3-5.
166. S.R.O., Q/JC/92, Commission of the Peace, July 1683.
167. P.R.O., C193/4, *Liber Pacis*, 1680-3, fos. 25v-28v, 100v-103v, 129v-133.
168. For Ellesdon's misdemeanours see below, pp. 260-263. Details of the Ellesdon pensions are to be found in C.T.B., VI, 63-4.
169. Venn to Newcourt, 25 Feb. 1682, P.R.O., SP29/418/117. Musgrave's legal activities had made him very unpopular with some of the local gentry. In 1681 Henry Bull claimed that Musgrave was responsible for inserting a clause into a will, nominating him the executor of a compromised estate, without his consent. Draft letter, 19 Feb. 1681, Bull/Shapwick MSS, DM 155, fo. 149.
170. Bull, like many of his contemporaries, was heavily involved in Chancery suits, concerning trusts (in addition to the above!). He begged to be excused from the shrievalty on those grounds. Bull to L.C.J. North, 10 Oct. 1683, Bull/Shapwick MSS, DM 155, fo. 155.
171. Jenkins to Bull, 6 Dec. 1683, P.R.O., SP44/64, p. 144.

172. Bull to Jenkins, draft, n.d., Bull/Shapwick MSS, DM 155, fo. 143.
For Steer see C.S.P.D. July-Sept. 1683, p. 387.
173. Bull to Jenkins, 15 Dec., Bull/Shapwick MSS, DM 155, fo. 142.
174. P.R.O., SP44/64, p. 144.
175. C.S.P.D. 1683-4, pp. 93, 108. Stocker was still acting as under-sheriff at the Bruton sessions of January 1684, and it is possible that the bishop of London's intervention on his behalf saved him from dismissal. S.R.O., Q/SO/7, fo. 367.
176. C.S.P.D. 1682, pp. 19, 26, 33-4.
177. P.R.O., PC2/69, p. 386. Venn to Newcourt, 21 Jan. 1682, SP29/418/43. The justices present at Bruton were: Viscount Fitzharding, Sir Edward Phelips, bishop Mews, Sir John Smyth, Sir William Portman, Will. Helyar, Edward Gorges, Francis Luttrell, Francis Poulet, John Carew, Robert Hawley, John Prowse, John Piggott, John Hunt, Thomas Wyndham, Edward Berkeley, Thomas Holt, John Bayly, and Richard Crosse. S.R.O., Q/SO/7, fo. 287.
178. W.R.O., A1/160/4, H.1682. Over forty sectaries were indicted at the sessions. A1/110, H.1682.
179. W.R.O., A1/110, H.1681-M.1682. From 111 to 280.
180. S.R.O., Q/SO/7, fos. 291v, 297v, 300v, 310. The Dorset records are scanty, but conventicle fines were recorded at most sessions. D.R.O., Quarter Sessions M.B. 1669-1687.
181. S.R.O., Q/SO/7, fo. 419.
182. S.R.O., Q/SO/7, fo. 363v.
183. D.R.O., Quarter Sessions M.B. 1669-1687.
184. In early 1682 there was a problem around Taunton, where newly-appointed justices (un-named) were refusing to sue out writs of *dedimus potestatem*, which empowered them to act, 'unless they be thought to be purchasing their offices'. What occasioned this fear about what was merely a routine procedure, is a mystery; but in consequence the villages surrounding the turbulent town were left under-policed. To compensate, it was thought necessary to order justices from up to fifteen miles away to monitor the large dissenting population in the area. In the summer two more locally resident gentlemen, Ferrers Greisley and John Ashford, were commissioned to rectify the imbalance. Jenkins to North, 30 Mar., C.S.P.D. 1682, p. 142. P.R.O., C231/8, p. 68.
185. D.R.O., Quarter Sessions M.B. 1669-1687, Order of Bridport sessions, 3 Oct.

186. W.R.O., A1/110, H.1683, Presentment of the Grand Inquest. Convictions of nonconformists for recusancy in Wiltshire peaked in the last two years of the reign. Nearly 100 dissenters (as opposed to only forty catholics) had their convictions recorded in the recusancy roll for 1683. E377/77-8.
187. W.R.O., A1/160/4, H.1683, Orders upon dissent and vagrancy.
188. W.R.O., A1/160/4, H.1683.
189. For the latest review of seventeenth century social policy, as implemented by the county magistrates, see Fletcher, Reform in the Provinces, pp. 183-281.
190. C.S.P.D. Jan-July 1683, p. 205.
191. John Hellier to Jenkins, 20 April, P.R.O., SP29/423/112.
192. Jenkins to Hellier, 28 April, P.R.O., SP44/68, p. 259.
193. Taken from W.R.O., A1/110, H.1681-M.1685.
194. This was the case throughout the country. C.S.P.D. Jan-July 1683 p. 133.
195. J. Whiting, Persecution Exposed in Some Memoirs (London, 1791 edn), pp. 211-2.
196. Whiting, Persecution Exposed, p. 216. S.R.O., Q/SO/7, fo. 373, shows just how full the gaol was. Whiting's story is corroborated by the indictments, which included charges for non-juring, and for riotous assembly (a very large number of dissenters were charged with the latter).
197. Whiting, Persecution Exposed, p. 266. Of these, only Phelips and Poulet were among the nine justices at Bruton. S.R.O., Q/SO/7, fo. 367.
198. See above, p. 179.
199. C.S.P.D. 1682, p. 152.
200. Henry Bull to [? Sir Francis Rolle], 26 Sept. 1682, Bull/Shapwick MSS, DM 155, fo. 153. The seal attached is that of Rolle, which suggests that he returned the letter. If this is so it seems that the tory Bull was still on good terms with his whig kinsman.
201. Clifton, Last Popular Rebellion, p. 70.
202. Jenkins to Piggott, 27 June 1683, P.R.O., SP44/68, p. 306. C.S.P.D. Jan-July 1683, p. 308.
203. See below, pp. 269-272.

- 204. Stawell to Jenkins, 29 June, P.R.O., SP29/425/135.
- 205. Piggott to Jenkins, 3 July, P.R.O., SP29/427/37.
- 206. C.S.P.D. July-Sept. 1683, *passim*.
- 207. C.S.P.D. July-Sept. 1683, pp. 60, 119.
- 208. Letters of Mews and Walrond, C.S.P.D. July-Sept. 1683, pp. 178, 228, 402.
- 209. John Hellier to Jenkins, 15 Sept., Stawell to Jenkins, 15 Sept., P.R.O., SP29/432/54, 55.
- 210. Bristol to Jenkins, 9 and 14 July, P.R.O., SP29/428/20, 147.
- 211. Bristol to Jenkins, 1 Aug., P.R.O., SP29/430/5.
- 212. Palmer, Nonconformist's Memorial, II, 139.
- 213. C.S.P.D. July-Sept. 1683, pp. 118-9, 130.
- 214. Clifton, Last Popular Rebellion, p. 70.
- 215. Information of William Wade, 2 July, P.R.O., SP29/427/23.
- 216. Pembroke to Jenkins, 11 Aug., P.R.O., SP29/430/93.
- 217. John Wyndham to Jenkins, 11 Nov., C.S.P.D. 1683-4, p. 83.

(ii) The Corporations in the Exclusion Crisis and Tory Reaction:
1679-1685

(a) Introduction.

In the period after the vetting of the corporations in 1662, the corporate towns had been far from ordered and peaceful. In some towns the regulation had had little effect on the personnel of municipal government, but in others there was now great potential for division. This potential was realised at the time of by-elections and in a range of disputes like the one over the municipal franchise at Bridport. In most corporations, burgesses who had refused to take the oaths, or had been ejected by the corporation commissioners, returned to take up their places in the governing body of the town. Where they did not, as in Marlborough, they formed a vociferous and effective opposition outside the administrative structure. The new charters of the 1660s and early 1670s had done little to alter the uneasy balance between churchman and dissenter. The charters regranted for Poole, Shaftesbury and Bridport in the mid-1660s saw a very limited extension of the rights of the Crown and provision for the admission of local gentry to the corporations, but this could do little to shake the dissenters' stranglehold on Poole, which clung grimly to its county status. Even if dissenters did not figure prominently on a corporation their economic dominance and numerical strength could produce a powerful interest. In the towns whose court records survive, there are very few instances of the persecution of dissenters by municipal authorities in the

1660s and 1670s. The Exclusion Crisis, and the Tory Reaction which followed, were to change all that. No longer was it possible for Anglicans and nonconformists to coexist in a common council; and no longer did absenteeism from Church of England services and unauthorised worship go unpunished. This section will attempt to explain why this happened and how the attack upon the urban dwelling nonconformist, and upon the independence of municipal government was conducted by central government and its supporters in the localities.

(b) The Corporations and the Exclusion Elections 1679-1681.

The three general elections between 1679 and 1681, and the creation of an opposition programme based around the exclusion of the duke of York from the succession, brought the corporations to the forefront of the political stage and dramatically increased the political tensions within them.(1) The two elections of 1679 produced some fierce contests, although it would be wrong to assume that all contested elections were fought on national issues. Local politics often played an important part in the campaigns, and so too did electoral bribery. The best documented elections of 1679, which took place at Bridgwater and Marlborough, show the interaction of local and national issues ,and the unsettling effects that the crisis had on the peaceable and orderly government of the towns.(2)

The Case of Bridgwater.

Bridgwater was notorious as a centre of dissent. In 1669 the corporation franchise had been vigorously challenged by the presbyterian gentleman Sir Francis Rolle, who had been elected on the votes of ejected members of the corporation and other dissenters, whose refusal to take the oaths debarred them from a place in town government. But when Rolle's opponent, the cavalier Peregrine Palmer, petitioned the Commons, challenging the legality of the election, his case was upheld.(3) In 1679 the franchise was still a central issue, and this time the result was very different.

News of the Popish plot had caused considerable alarm in the town and in the surrounding countryside. The ensuing panic was such that it affected the local economy. Bridgwater clothiers were loath to renew their stocks, and so the price of wool fell sharply. A dealer in the town opined that 'as Parliament is prorogued he is much afraid of Popery and ill times, and resolves to see the fourth of February before he makes any new contract'. (4) The suspicion of the Court generated by the disclosure of the plot was so great in the town that the most prominent supporter of the government amongst the local gentry, colonel Ralph Stawell, felt bound to invest time and money bolstering the King's interest there. To this end he used his influence as colonel of the local militia foot to penetrate the corporation, and his considerable wealth to buy the support of existing burgesses. William Clarke, who intended to stand as an opposition candidate, observed: 'he and others of his officers were sworn burgesses, and I find that

his £5000 will be too hard for my £500'. (5) Also opposing Stawell was Sir Francis Rolle, and the more moderate and respected Sir Halswell Tynt. This opposition was far from united. The earl of Shaftesbury as a local landowner exercised some interest in the borough, but he made it unclear whom he was backing.

Clarke, a landowning lawyer from nearby Sandford, vied to engage Shaftesbury's support and made every endeavour to win over the corporation, which at first appeared receptive to his cause. Initially, his approach brought firm promises of a vote from fifteen of the twenty-two burgesses. (6) Fooled by their assurances, Clarke neglected to consolidate his interest. He also fell foul of the earl of Shaftesbury when he found himself in a dispute with the earl's bailiff, who had diverted the course of the Bridgwater river on to a parcel of Clarke's land, for which he demanded £100 compensation. (7)

Although these two patched up their differences, Shaftesbury ordered Clarke to withdraw from the election when he heard that two more influential Court supporters, Sir Edward Wyndham and Peregrine Palmer, had thrown their hats into the ring. In the circumstances it was sound tactical sense to concentrate upon the candidacies of Rolle and Tynt. (8) Clarke was not so easily discouraged and re-entered the contest when he learned that Wyndham and Palmer had stood down. Meanwhile, Stawell had made important inroads into the corporation. He had bought the votes of three of the fifteen pledged to Clarke. Additionally, he had won over one of Clarke's agents, Will Macy, who was now busy procuring votes (Stawell was Macy's commander in the local

militia).(9) The horse-trading amongst the burgesses continued, the corporation being more attached to lucre than to principle. Clarke was the poorest candidate, and he suffered the most.

By the time the election was held Tynt's seat was secure, and so Stawell, Rolle, and Clarke, were left to contest the other vacancy. Polling took place on the 14 February, but the result was not decided on that day. Rolle had made no attempt to cultivate the corporation, and even declined the offer of Clarke's votes (which included the mayor's) when the lawyer realised the imminence of his own defeat. He chose instead to appeal to the popular vote in the town, as he had done in 1669, and to rely upon the earl's interest in the new parliament to ensure his election.(10) Inevitably, a double return was made for the seat. The mayor signed the return for Rolle and Tynt 'with the assent and consent of the commonalty', while Stawell's return in the name of the aldermen and burgesses was left unsigned.(11)

Rolle had every reason to look outside the corporation for support. He had made himself very unpopular with the wealthy men of the town. William Clarke was in no doubt as to the cause of this unpopularity:

he will never be chosen at Bridgwater till the people forget that by his prosecution, the hundred of North Petherton are eased in their taxes and that laid on that borough (sic), for whereas they usually paid a fifth and a half...Sir Francis Rolle has forced them to pay one third with the hundred to all taxes, so the rich men of the borough pay double what they did, and till men forget this they would rather choose Sir Timber Temple...than Sir Francis Rolle. (13)

An appeal to the wider electorate was far more likely to succeed. He could count on the support of the dissenters, the

unpreparedness of his opponents, and, of course, on Shaftesbury's support in parliament. Clarke had also considered a wider franchise: one limited to the common burgesses (about a hundred in number), of whose support he felt confident. The common burgesses were keen to support Clarke. They too had no great love for Rolle, and were naturally enthusiastic about a franchise which would enhance their status: '(they) offer me all their interest that my Lord Sh. may espouse their right with all his great interest in the Commons House'.⁽¹⁴⁾ Surprisingly, Clarke did not follow up his suggestion.

The election issues at Bridgwater were far from straightforward. The Popish Plot overshadowed the campaign, but the franchise, local taxation and old-fashioned bribery provided ample complication. In the event, the election was decided 130 miles away, and Rolle carried the day.⁽¹⁵⁾ The decision of the Committee of Elections was not made until 20 May, and so the town stayed in the grip of election fever for some weeks. In March Stawell was convinced that the election would be re-staged on the evidence of his petition to the Committee. He procured the election of his agent Macy to the aldermanic bench, and so determined was he to oust Rolle that, in the event of a new election, he was prepared to offer his support to Clarke if he would oppose the presbyterian. Clarke refused, and incensed Macy by his display of loyalty to the opposition cause.⁽¹⁶⁾

The dissolution of the first Exclusion Parliament maintained the level of excitement in the town. Canvassing was well underway by late July. The tireless and ever-optimistic

Clarke busied himself gaining the votes of the scot and lot electorate. He estimated on July 28 that Stawell could count on 310 votes, himself on 225, Sir Halswell Tynt on 121, and Sir Francis Rolle on 103. His confidence was misplaced. Although Tynt had voted against exclusion, he easily topped the poll. Well prepared, Stawell made his wealth count, brushing aside the challenge of Rolle, Clarke, and the exclusionist recorder, Sir John Malet.(17) Rolle's main appeal to the wider electorate was limited to his ability, as a supporter of Shaftesbury, to effect an extension of the franchise. Once this had been achieved, the commonalty was quite happy to discard him in favour of Stawell.

In view of its large nonconformist population and Civil War past, and its subsequent history, it is surprising that Bridgwater did not elect a brace of committed exclusionists in both February and August 1679.(18) The exclusionists achieved their aim of widening the franchise, but for the meantime could not control the volatile new electorate.

The Case of Marlborough.

Marlborough had been a town ill-at-ease since the purging of the corporation in 1662, when the Seymours had exploited their regained influence to create a more ductible and loyal common council. The nonconformists failed to re-establish themselves on the corporation, but could not be suppressed by the council. Free from the intrusions of county justices, and contemptuous of the ecclesiastical courts, the town's congregations flourished to the vexation of its governors and its clergy.(19) The corporation itself was not totally subservient to the Seymour interest, which

was inherited by Thomas, Lord Bruce in 1676. It was still prepared to defend its rights against unjustified interference. In 1675 a dispute between the town and the Seymours was resolved in favour of the common council. The point at issue was the right to appoint the town clerk. Rolfe Bayly had held that post since the regulation of 1662, but it appears that the corporation was unhappy that he held that office by patent from the duke of Somerset, and not because of his election by the mayor and council. Bayly was forced to renounce his tenure of the office by patent, and was promptly re-elected to the post by the corporation. (20)

The corporation went on to express a degree of independence from the new lord of Tottenham Park in the election of February 1679. Fortunately, the town's Entry Book records the poll in detail. The franchise in Marlborough consisted of the common council and the free burgesses, which encompassed forty-nine voters. Two local gentlemen, Edward Goddard of Ogbourne St. Andrew and Thomas Bennet of Wroughton, were elected, defeating the sitting member, the courtier Sir John Elwes, who had been unanimously elected on the Seymour interest in 1673. (21) Bruce chose to put his energies into the Bedfordshire county election, and presumed that the corporation would re-elect Elwes without undue pressure. (22) He was quite wrong, for the courtier received only eight votes. (23)

Goddard and Bennet were both moderate members of the opposition who voted for exclusion, but Goddard's untimely death in June brought unexpected spice to the August election. Two

exclusionists far more radical than Goddard or Bennet entered the lists. Bruce, who had decided to contest the seat in person, agreed to stand on the same ticket as the moderate Bennet in order to ensure the defeat of the old Leveller John Wildman and Sir James Hayes.(24) All but two free burgesses voted, and they were unanimous in choosing Bruce and Bennet, but within the common council there was opposition from at least three members. (25) Francis Penstone voted for Wildman, and Matthew Fowler and John Kem voted for a fifth candidate, probably the town's former M.P. Geoffrey Daniel, in preference to Lord Bruce.(26) Once this official poll had been concluded, Wildman and his supporters forced their way into the town hall, and conducted a popular election, on the scot and lot franchise. Unlike Bridgwater, the wider electorate at Marlborough was more committed to the cause of radical opposition, and according to their opponents contained many not even entitled to vote on a scot and lot franchise. It was not, however, the Leveller rabble that the majority on the corporation wished to depict. A record of this poll survives and contains the names of many prominent men in the town. (27) Among the voters was the councillor Francis Penstone. Others included five of those dismissed from the corporation in 1662, and the sons of four more ex-corporation members.(28) The nonconformist presence at the poll was very strong. It included Nathaniel Bayly, the mayor displaced in 1662 (a lay preacher), and Daniel Burgess, an ejected minister. In total, forty of the 121 who voted had been presented to the church courts for non-attendance at divine service during the visitations of the late 1660s and early 1670s.

(29)

The election result was hotly disputed. Wildman and Hayes prepared to petition the Committee of Elections, and during the fourteen months that elapsed before the sitting of parliament, the corporation marshalled an impressive catalogue of evidence to defend its rights.(30) In the meantime, the common council took decisive action against Penstone. For 25 September 1679 the corporation Entry Book reads:

Francis Penstone has several times voluntarily and perfidiously betrayed the trust of his office by disclosing several of the debates of the common council to the great prejudice of some members and against his oath and the public weal of this borough. And hath lately endeavoured to subvert the ancient customs and liberties of the borough ... (by trying to get members elected to parliament by the popular vote) whereas by common right they ought to be chosen only by the mayor and burgesses, and it appears that Francis Penstone was unduly admitted (in 1670), he not having received the sacrament for above a year before he was elected... and Francis Penstone is a person of turbulent disposition and hath given out several ignominious and reproachful words against the mayor and the whole government of this corporation. (31)

In the light of this indictment, Penstone was dismissed from the council, there being only three abstentions in the vote: the Tory Reaction had begun in Marlborough.

Penstone's campaign did not end with his dismissal. He organised the case for the popular franchise and 'wilfully, obstinately and in contempt of the court, intruded himself into the council chamber' at several meetings and debates. He so infuriated the council that it was resolved on 8 November 1680, that if he attempted to force his way into the chamber again, he was to be bound over by the mayor and justices to appear at the

next assizes.(32) On 24 December 1680 the election was finally decided in favour of Bruce and Bennet.(33) The corporation had by far the more convincing case. As witnesses it could produce the county J.P. and historian Geoffrey Daniel, Rolfe Bayly, the recorder, who could vouch for the present franchise for the past forty years, and the former recorder, Mr Barnes, whose memory stretched back sixty-five years, into the reign of James I. Against this display of longevity Penstone and his allies stood little chance. (34)

The August 1679 election had split Marlborough. The corporation, almost entirely Anglican, had voted for two moderate exclusionists in February, but they could not countenance so radical a candidate as Wildman. As a result, the more extreme elements of the opposition directly challenged the right of the corporation to select the town's M.P.s. The common council was very jealous of its 'ancient privileges', whoever threatened them. The whigs in the town were questioning the most jealously guarded privilege of all, and so the politics of exclusion became inextricably bound up with the issue of the powers of the corporation. The common council espoused toryism not least because its dignity was being undermined by the activities of Penstone and his supporters. The election had sharpened division and made memories more acute. Councillors could not have been unaware that ultimate whig victory might entail a reversal of the purge of 1662.

(c) The Corporations August 1679 to 1681.

Overall, the corporations reflected the regional pattern: the rejection of 'outsider' candidates and support for country or opposition candidates.(35) Those seats controlled directly by the corporation or a restricted body of freemen did not behave at all differently from those which elected on a wider franchise. A few changes did take place in the August elections, but the general pattern was not affected.(36) This impression of whig strength is a little deceptive, and in the following months the tories in several corporations proved their resilience by fighting back hard. Bath's is an instructive example.

Bath was politically rather a schizophrenic city. It had strong presbyterian traditions, but prided itself on unstinting loyalty to the Crown; which was only sensible in view of the increasing popularity of the spa with members of the Court. In February 1679 the corporation had elected local landowner Sir William Bassett, a government supporter, and Sir George Speke of Hazelgrove (not to be confused with George Speke of Whitelackington), an advocate of toleration for dissenters.(37) Four candidates stood in the election of 18 August. The exclusionists Speke and Sir Walter Long (both Wiltshiremen) were pitted against Bassett and his powerful colleague, Viscount Fitzharding of Bruton, the Somerset *custos*. Speke was easily elected on the first poll. Fitzharding finished second and Bassett third, but the tory voters had been electorally naive. Fitzharding was eliminated on the second poll, leaving a straight contest between Bassett and Long, which the exclusionist won by

fifteen votes to thirteen.(38) By failing to concentrate their votes on one candidate in the second poll, the tories lost a seat which should have been theirs. The election of two whigs was not a fair reflection of the political balance within the corporation.

This precarious balance between the tradition of Popham and Prynne, and that of Bridges and Chapman, was affected by the unanimous dismissal of alderman Hicks from the corporation on 25 February 1680. (39) Behind this decision was the tory attorney and common councillor, Francis Allambridge, who wrote to bishop Mews some time early in the month, enclosing informations he had gathered concerning certain defamatory words spoken by alderman Hicks in the previous June. The Bath magistrates were unwilling to act on Allambridge's informations, even after a personal visit from the formidable bishop on 12 February. The attorney wrote again to Mews on 19 February, requesting his further assistance, and the bishop replied that he should continue to do his duty without fear of the consequences.(40) Armed with this letter, Allambridge went to the mayor, John Masters, and demanded that a date be set for the examination of Hickes, which was finally granted. (41)

The prosecution of this case caused grave concern to the corporation, which, typically, regarded the worst excesses of faction as threatening to the peace and stability of the city. Measures were taken to obstruct the prosecution of the alderman. Although an attorney and a corporation member, Allambridge was excluded from the examination of Hickes, which was conducted under the auspices of Sam Helliard, not a corporation member, and the

inexperienced Edward Bushell. According to Allambridge, these attorneys suborned at least one of the witnesses whom he had procured. They tried to prove that Hickes was blind drunk when he had uttered the slanderous and treasonable words, reminding those who testified that if found guilty 'Mr Hickes would be utterly ruined'. In addition, Allambridge was informed that he had been kept out of the examination for fear that he should cross-examine one alderman Gibbes, who had toned down the damnification given in his original affidavit. Hickes was dismissed from the corporation, but, clearly, even the tory aldermen and common councillors wished it to go no further than this. The last thing they wanted was to endanger the popularity of the corporation by creating a whig martyr. Consequently, the mayor informed the bishop of Bath and Wells that Hickes' examination had been taken fairly, and in Allambridge's presence.

In 1661 Allambridge would probably have got no further with his accusations than Bridges and Chapman had done in their attempt to blacken the character of mayor Ford to the privy council; but this was not 1661, and central government viewed with grave suspicion the prevarication of a corporation which had returned two whigs at the last election. Allambridge detailed his complaints to secretary Sir Leoline Jenkins, and received a quick response. The attorney-general was instructed to prosecute Hickes, and a warning was issued to the mayor and justices of Bath: '... when he makes report that he is not to be found (a reference to the jury's decision of *ignoramus*), Mr mayor and Mr Chapman (the justice responsible for excluding Allambridge) may

chance to hear of the remissness and contrivance used in a matter wherein not only the Duke but His Majesty's honour in the most sensible part of it, is most abominably wounded as far as a traitrous profligate figure is capable of doing it'.(42)

The matter was now out of the hands of the corporation, and Hickes was due to be tried at the next assizes at Taunton on 29 March. The worst fears of the mayor and his colleagues had been realised, for Allambridge had stirred up much resentment in the city. Wishing to attend the assizes in order to verify the witnesses' testimonies, he asked that Jenkins require the city to pay his costs as was customary, and described the obloquy that he had already received from Hickes' relations and supporters.(43) Wisely, Jenkins refused to grant Allambridge's request for expenses, which threatened to provoke matters still further. The loyal Bathonian had to be satisfied with the less tangible, though more valuable, offer of legal protection from his growing band of enemies.(44)

Allambridge's trip to Taunton was frustrating. The main business of the assizes was the trial of the petitioner Thomas Dare. The displacement of the whig from Taunton corporation by the assize judges, permitted under the town's 1677 charter, prompted an ominous comment from bishop Mews: 'I am glad I was the occasion of putting in that clause, which is a great check on them, and I wish it were in all charters'.(45) Inevitably, the tory Grand Jury passed a judgement of *billa vera* against Hickes but as Mews wryly remarked : ' the bill was found but he was not'. Hickes like other whigs summoned to Taunton had gone to ground,

but in the subsequent months the passions aroused by his case did not subside. The corporation of Bath was suitably chastised, and Jenkins' veiled threat was taken to heart. Loyalty to Charles and the duke of York was expressed by the issuing of an address from the the Guildhall on 14 May, detesting 'all tumultuous petitions and declaring that not one person in all this city ever set their hands to such a pernicious practice'.⁽⁴⁶⁾ In this they were undoubtedly following the example of their big neighbour, Bristol, which had produced a presentment at its Easter quarter sessions disowning all petitions and ordering the enforcement of all laws against recusants and dissenters.⁽⁴⁷⁾ Both cities were under suspicion and both were keen not to occasion any further interference in their affairs.⁽⁴⁸⁾

It would have required more than loyal protestations to convince the King and Council of the fitness and trustworthiness of the government of the corporations. At the end of April 1680 the privy council sent out letters to the 'chief magistrates' of the corporations, ordering them to give an account of their execution of the Corporation Act and their guarantees that the Act would be enforced in future. Simultaneously, letters were sent to the lords lieutenant asking them to supervise this process and give accounts to the privy council. In Dorset's case this supervision entailed little more than a friendly letter from the earl of Bristol. Only at Weymouth, where George Pley and William Maynard were removed, was any action taken.⁽⁴⁹⁾ Without doubt, if the lords lieutenant had been more diligent they would have uncovered copious examples of the negligence of the corporations.

From other parts of the kingdom disturbing reports reached London. Colonel John Strode, lieutenant governor of Dover castle, described his visit to Sandwich on 15 May: 'According to the commands of the Council...I perused the books of the several mayoralties from the time of the commissions for the regulations of the corporations, and found no record of any oaths kept by jurats' (50). In the west avoidance of the Act was widespread. In the summer of 1680 the election of a whig, John Beresford, as town clerk of Taunton provoked a petition from his tory rival, William Burd. Burd alleged that although Beresford had been elected, receiving eight votes, the mayor's casting vote had been invalid, because he had refused to take the oaths of allegiance and supremacy. Taunton was without a town clerk for five months before the case was decided in Burd's favour. (51)

Even in towns where oaths had regularly been administered to officers and new corporation members, the practice of 'occasional conformity' was so well established that to be a juror did not necessarily guarantee affection to the government, or religious conformity. At Lyme Regis, among thirty-two officials, burgesses and freemen sworn in the spring of 1679, were several well-known nonconformists. (52) The nine freemen sworn between September 1679 and October 1680 included the most prominent opponents of the government in the locality: John Trenchard, John Speke and Sir Walter Yonge. (53)

Although the election results of 1679 give a false impression of the whig strength in the corporations of the west, whiggery was still a powerful force in most towns on the eve of

the elections to the third Exclusion Parliament. Whether under central government pressure, as at Bath, or voluntarily from motives of self-preservation, as at Marlborough, certain corporations had come to adopt a tory stance; but there was as yet almost no persecution of dissenters in the corporate towns; whigs held some municipal offices in almost every corporation; and the Crown still had little direct control over the personnel of municipal government.

The Elections of 1681.

The tories contested the 1681 elections in a more determined mood and achieved no small success in the corporations. Of the ten corporations with a limited franchise, only Wells, Poole and Lyme returned two whig M.P.s. In Bath there was a small but conclusive swing. Viscount Fitzharding was elected first citizen, beating Sir George Speke by eighteen votes to thirteen, and in the second poll Fitzharding's vote was transferred to Sir William Bassett, who narrowly defeated Sir Walter Long, with Speke coming a distant third. (54) At Devizes, where in August 1679 the mayor's influence had been decisive in securing the return of the whigs Giles Hungerford and John Eyles on a controversial franchise, the moderate Sir Walter Ernle, and the tory judge George Johnson, were elected on the traditional corporation franchise. (55)

The biggest tory coup was at Salisbury. The city had elected the local whigs Sir Thomas Mompesson and Alexander Thistlethwaite in February and August 1679, but in 1681 the martial and popular tory, John Wyndham, threw down a strong

challenge.(56) Under the 1675 charter, the election was in the mayor, the twenty-three aldermen and the thirty assistants. (57) This body exhibited its inclination toward toryism in the week running up to the election. Nine local gentlemen were created freemen, of whom at least seven were tories, only four days before the poll. (58) The fact that the corporation was likely to unseat one of the city's exclusionists must have become common knowledge in Salisbury, for an alternative popular election was held at which Thistlethwaite and Mompesson were returned, whilst in the official election Mompesson was defeated.(59) Rather than contest the double return, Mompesson withdrew and claimed his seat at the decayed borough of Old Sarum. Meanwhile, the corporation reacted vigorously to the attempt to subvert its electoral privilege. In April the council ordered that: ' all moneys in the hands of any person who was present or assisting to the tumultuous populacy in electing of members to serve in the late parliament in opposition to the ancient rights(etc)... of the council, and formerly lent to them on bond to be forthwith called in (or such persons will be sued immediately)'. (60) Furthermore, none were to be lent money by the council in future unless they could provide evidence of attending their parish church and receiving the sacraments.(61) On 27 April the council unanimously approved an address to the King, thanking him for his declaration upon the reasons for the dissolution of the Oxford Parliament, and were promptly rewarded with a congratulatory letter from secretary Jenkins. The address was delivered and no doubt prompted by John Wyndham, but 355 of the principal inhabitants of the city recorded

their pleasure at the council's action soon afterwards. (62) In late May the tory ascendancy was confirmed by the creation of fourteen more freemen, including four Devonians and four of Wyndham's neighbours from the fashionable cathedral close. (63)

The corporation of Salisbury had found itself in the same position as that of Marlborough eighteen months before, and had adopted the same solution. Frightened by whig extremism, the council had fallen quickly into line with the wishes of the newly triumphant Charles: the principal object being the emasculation of the nonconformist congregations within the city. Unfortunately, the quarter sessions records of the city for this period do not survive, but the famous boast of Seth Ward that dissent had been eliminated in the city by 1683, and the fostering of popular support for the duke of York in the summer of 1681, suggests commitment and success. (64) This was a city that had elected two whigs on a corporation franchise at the elections of 1679, but its 'retreat on toryism' was not merely in order to expiate this sin. The tory dictums of obedience to secular and ecclesiastical authority must have appealed to the city fathers at a time when the 'tumultuous populacy' was so politically active. In accordance with its desire to emphasize its authority, the council issued a series of orders, commencing in 1682 with the stipulation that all magistrates were to appear in their full ceremonial scarlet robes at the city sessions. (65)

It was in the corporations that the tories scored their successes in the 1681 elections. They increased their representation in the thirty-eight seats from seven to fourteen,

doing particularly well in those corporations with a limited franchise (ten tories to ten whigs). The towns with larger electorates were almost exclusively whig. Taunton, which possessed the largest electorate in the region, was wildly enthusiastic about the extreme whig politics of John Trenchard. After the election of Trenchard and his running-mate Edmund Prideaux, the 'inhabitants' and young men of the town delivered two addresses to their newly elected M.P.s. The addresses were uncompromising in their demands for exclusion, the prevention of arbitrary government, and the repeal of the penal statutes against dissenters. The corporation responded by delivering a protestation to the King, disowning these addresses. The mayor, Thomas Towill, declared that he and his friends on the corporation had strongly publicised their dislike of such disloyalty at the time of the election, but all to no avail.(66) A few miles up the road at Bridgwater, the whigs who had by now established a majority on the council, promoted an address to the two M.P.s, Sir John Malet (the recorder) and Sir Halswell Tynt (who had abandoned his neutralism), which though less strongly worded than those from Taunton, was undoubtedly exclusionist in tone.(67) Malet was a far more popular figure in the town than Sir Francis Rolle had ever been, and he had energetically exploited his recordership and his links with the corrupt customs establishment in the town to defeat Ralph Stawell at the election. Humphrey Steer, comptroller of the port and clerk of the peace, had backed Malet by pressurizing the customs employees in the town. One informant deposed that he was commanded by Steer to vote for Sir

John Malet and not for colonel Stawell, who was for the Duke of York, a papist, by whom they would be utterly ruined and turned out of their employment.(68) Wishing to draw attention to their plight, in July 1681, the loyalists in the town produced their own address to the King, thanking him for his explanation of the dissolution of the Oxford Parliament; and complained of the 'unconcernedness' of their corporation which had made no attempt to promote such an address.(69) Under pressure as at certain other towns (notably Dorchester), the corporation at Bridgwater produced a rather grudging address, delivered sometime in August, desiring the upholding of protestantism, the extirpation of popery and frequent parliaments.(70)

It was confidently expected in the summer of 1681 that there would soon be a new parliament, although this prospect held out less hope for those who wished to see the duke of York excluded from the succession. The tories now dominated county government and the militias, but many of the region's corporations still lay outside their grasp. They had gained control of Salisbury, Marlborough, Bath and Devizes; but Bridgwater, Wells, Lyme, Taunton, Dorchester, and, especially Poole, had shown few signs of affection to the government in the previous two years. Even in the loyal corporations little progress had yet been made towards the suppression of religious dissent. (71)

(d) The Persecution of Religious Dissent 1682-1685.

The first evidence of the attack on dissent within the western corporations comes from late 1681. Unfortunately, the persecuting campaigns are impossible to follow in all but a small number of towns, but in these the evidence is very good indeed. The largest volume of records relate to Lyme Regis, for which the quarter sessions papers survive to complement correspondence between central government and local magistrates. The Quakers of Bridport, just along the coast, made detailed observations on the persecution of dissenters in that town. The best known and most spectacular campaign against dissent took place in the dissenters' rookery of Taunton, and was conducted by Stephen Timewell. This section will concentrate in detail upon these three cases which show why, how and by whom the nonconformists were hounded within the jurisdiction of the corporations.

The freedom from persecution enjoyed by town-dwelling dissenters, upon which we have remarked, was keenly resented by committed tories, whether county magistrates, militia officers or civic worthies. Thomas Venn, a captain in colonel Stawell's regiment, believed in January 1682 that if the conventicles at Bridgwater, Taunton and Ilminster were put down, the whole county would be in obedience. Ilminster the justices could reach, but of the corporate towns he wrote,

This cannot reach our corporations, whose rebellious actions are the sole disturbers of the peace; there is yet somewhat else that must be done from above, a particular command to every mayor to order that no conventicles or unlawful assemblies be kept, and so too the bishops that they take care that no Dissenter teach school... it is not enough for us to act briskly without you above to show us some other

commands, and that speedily while the iron is hot. (72)

This somewhat desperate appeal from the Somerset tory for more decisive support and direction from above, echoes the cry for help from Marlborough made late in 1681. In early November the town justices disturbed a conventicle headed by the veteran preacher William Hughes; but they were roughly treated. Secretary Jenkins was told 'how ill (they) have been treated with scandalous libels and seditious letters by such as are vexed that the laws are too hard for them'. The corporation was offered the assistance of the attorney-general, Sir Robert Sawyer, yet this was scarcely sufficient to root out the determined resistance of the Marlborough dissenters, who had survived firmly entrenched since the Restoration. (73) An anonymous letter (probably from the hard-pressed vicar of St Peter's, Marlborough) reached the bishop of London a few days later, which elaborated on the dangers of persecuting the town's nonconformists:

As to Marlborough, I know not a more seditious and schismatical people in England, who, would willingly be at the old trade again and are provided with arms...No man would give more diligent assistance than Mr Hunt, master of the Angel Inn and now constable...I conceal my name to secure my life, for I have twice been doomed for prosecuting those unlawful assemblies, to be murdered by shot... . (74)

In such circumstances it is not surprising that even the more zealous magistrates were forced to be circumspect in their dealings with dissenters. Most magistrates were not zealots; they were men of business and were very reluctant to court the physical, financial and legal dangers attendant on a campaign

against dissent. In practice persecution was a minority activity among corporation officers. This is not to say that it did not have a dramatic effect on urban life. The following three examples demonstrate how small groups or individuals went about the task, and what consequences this had for the stability of their communities.

Lyme Regis.

Lyme had been reputed as a centre of dissent ever since the Restoration. The most powerful of its congregations was led by the ejected minister Ames Short. Although he had welcomed the return of Charles with conspicuous enthusiasm, he had suffered considerably in the following years. He was roughly handled by militia troops in the 1660s, and went into hiding after it was reported that he was to command 200 soldiers in a plotted insurrection; but in the 1670s he continued to minister to his large flock in the town with growing confidence. (75) As has been noted, the corporation and freemen of Lyme were liberally sprinkled with dissenters. The town had elected whigs to all three Exclusion Parliaments, and continued to ignore the Corporation Act, to the extent that John Burrridge, a leading presbyterian merchant, was elected mayor for 1680/1. (76) There were, however, those on the corporation who viewed the disloyalty or the laxity of the town magistrates with severe disapproval. Principal among these was Gregory Alford, a merchant and a burgess, who received the lucrative customs post of surveyor for the coasts of Hampshire, Dorset, and Devon, in 1681, and was, in addition, captain of the town's militia company. (77)

The earliest evidence of an attempt to enforce the penal statutes against dissenters in the town is from the court leet held on 3 October 1681, in the same session that Burridge's successor, the Anglican Robert Coad, was elected mayor.(78) Burridge (as was customary) remained a magistrate for the year following his mayoralty, but although his two colleagues were not disposed toward persecution, the bench became more amenable to the increasing pressure applied by Alford. At this court leet the churchwardens of the town were presented (at Alford's instigation) for not giving accounts of those absenting themselves from divine service.

In the next two months Alford attempted to elicit protestations of loyalty and conformability from the leading citizens. On 1 November he organised an address of thanks for 'His Majesty's late declaration'. (A Court wit might have remarked that it was the address rather than the declaration which was late).(79) This was hardly a spontaneous gesture on the part of the citizens of Lyme, for six months had elapsed since the declaration. Alford sprung the address on the mayor, magistrates, freemen, and freeholders, at the annual muster of the militia company. Burridge and other influential nonconformists were conspicuously absent from the 134 signatories. Three of the four previous mayors signed the address as, unsurprisingly, did the town's customs officials, headed by the collector Robert Jones, Henry Flory the surveyor, and Alford himself. Alford was certainly a Church and King man, but he had other motives for so manifestly affirming his loyalties. His customs post was held on

yearly tenure, which meant that his activities were subject to the annual review of the Customs Commissioners: his present livelihood was dependent upon his loyalty. (80)

The first victim was Alford's customs colleague Henry Flory. Although he signed the address at the beginning of November, Flory soon found himself on a charge of disloyalty to the government, denigration of the duke of York, and non-attendance at divine service. Alford was almost certainly behind this presentment. He was not among the nine members of the corporation who certified Flory's conformability to the Customs Commissioners, and his prosecution of another Lyme man for a similar offence at the same time is hardly coincidental. (81) At the Dorset assizes of January 1682, Alford produced evidence that one Ferdinand Lacy (or Lucey) had said of the recent county address to the king, abhorring the 'Association', 'that those were none but knaves and fools that signed', and also that it could be proved that Charles had married Lucy Walter, the duke of Monmouth's mother. (82) Lacy was a well respected man in the town of Lyme; indeed, four days after the information was lodged against him, his name appeared among those, described as 'good lawfull men', who were empanelled to form an inquisition into a smuggling riot. (83) He was from the group who formed the core of jurymen in the town, and was no doubt partially responsible for some of the bills of *ignoramus*, which Alford complained so lifted up the spirits of the nonconformists. (84)

The assault on the nonconformist congregations themselves commenced on Sunday 29 January 1682. Early that morning Alford sent his servant, with a tidesman from the customs house, to

witness dissenters flocking to the meeting house, built during the brief period of official toleration in 1672-3. (85) These informers then contacted the town justices, but the magistrates were unwilling to act upon their evidence. Alford impatiently sent for the constables, and they accompanied him to the meeting house, to which they attempted to force an entry. The door was barred, and before the disturbers could break in most of the congregation and the preacher, Ames Short, escaped. Alford had managed to identify about thirty men and eighty women who had been present at the service. He took a list of the worshippers before the mayor and his fellow justice, Edward Edwards. They had no alternative but to record a conviction under the Conventicle Act, and, as required, sent an account of the fines levied to the county clerk of the peace. (86) The victorious captain made further arrangements for the three preachers, Ames Short, John Kerridge, and John Short, to be prosecuted by the Crown Office: 'This is the head conventicle of all the country. Breaking the neck of this, the rest will vanish'. But despite Alford's confidence, the congregation met again on that very night. (87)

Alford's problems had only just begun. Bullying the town magistrates into convicting dissenters was one thing, but what if the conventicles were held outside the jurisdiction of the corporation? It was essential that he should have a good understanding with the local county magistrates. The only J.P. within effective range of Lyme was William Ellesdon, who lived a couple of miles away at Charmouth: his relations with Alford could not have been worse. Ellesdon had played an important part

in Charles' escape from Worcester and for this reason enjoyed a healthy pension, and had escaped the purges of the county bench during 1680 and 1681. (88) He was certainly sympathetic to the local presbyterians, being instrumental in obtaining the licence for the town's meeting house in 1672. (89) The motives for his sympathy were, however, not entirely altruistic as was revealed by his intervention in the case of Ferdinand Lacy. We have seen how Lacy was indicted at the January assizes, and two bills were found against him by the Grand Jury, but before the case could be tried, the prosecution was frustrated. Lacy struck a deal with Ellesdon, who in return for a twenty guineas bribe undertook to arrange with the clerk of arraigns that no processes should be sent out to summon witnesses. In that case the greatest fine which could be imposed on Lacy was '10s or 6s 8d'. 'This is worse than an ignoramus jury' stormed Alford, who made further accusations of Ellesdon's corruption over the past ten years. (90)

Alford soon suffered a further setback. The sheriff of Devon, Sir Courtney Pole, wrote to secretary Jenkins complaining of the nonconformist preachers who went unsuppressed in Lyme, and held regular services in his own county. (91) Jenkins, who had either forgotten or ignored Alford's communication of nine days earlier, replied that he had never heard of these preachers, but was well aware of Lyme's disaffection, and sent off instructions to Alford and Ellesdon directing them to convict the preachers mentioned in Pole's letter. (92) This is one of the numerous examples of the stupidity and insensitivity of the secretariat. Apart from the fact that Short and his fellow preachers at Lyme

had been well known to central government for over twenty years, Jenkins should have known that Ellesdon was a county justice and not empowered to act within corporation boundaries, and that Alford, though a burgess, was not a magistrate, and so had no power to convict offenders at all. Alford had been doing his best to silence the preachers in the town; he did not need to be reminded what a nuisance they were; he needed concrete support. (93)

Jenkins' order deepened the feud between Alford and Ellesdon. The captain sent regular informations (and imprecations) to the justice, demanding that he take action against Lyme conventiclers meeting within his jurisdiction. Ellesdon replied that he had many nonconformist friends in Charmouth and was very reluctant to act in such matters without a direct royal command, which, he stated, would excuse him from personal responsibility. Ellesdon's reply to Jenkins' commands was hardly ingenuous. He was perfectly correct to point out that he had no authority in Lyme, but he too laid the blame for the continued liberty of the preachers at Alford's door. The captain, he alleged, had paraded up and down the town reading out the commands from Jenkins. In view of this advertisement, it was hardly surprising that the offenders were nowhere to be found when search was made: 'some mens' zeal runs before their wit and discretion'. (94) In the end, it was the Devon justices who captured Short. He was convicted at their quarter sessions for illegal preaching and spent several months in gaol. (95) Ellesdon was eventually forced into convicting a few conventiclers around Lyme in late 1682 and early

1683, but was still up to his old tricks. He was bound over to appear at the Blandford quarter sessions for not releasing money collected in conventicle fines for the use of the poor. This money had in fact been returned to the Lyme preacher John Kerridge, whose congregation Ellesdon had fined. (96)

After the excitement of early 1682, Alford's progress was steady rather than spectacular during the rest of the year. The oaths of allegiance and supremacy were administered to 267 inhabitants gathered at the general muster in early July. (97) A week later a record of the conviction of an unspecified conventicle was sent to the county clerk of the peace; in early October twenty worshippers were prosecuted for attending a prayer meeting at Ames Short's house; and on 20 November five wealthy dissenters were fined for non-attendance at church. (98) But one nameless observer commented that this was little more than scratching the surface, and that (in November 1682) the seditious preachers were again active in Lyme. (99) The town justices were still reluctant to convict presbyterians. In the mayoralties of Solomon Andrews (Oct 82/3) and collector Jones (Oct 83/4) it was the Quakers who endured regular persecution from the municipal authorities in Lyme. (100)

Alford's crusade was flagging noticeably by the time news of the Rye House Plot broke at the beginning of July 1683. During the scare, militia troops under the direction of William Strode of Parnham (not to be confused with the whig William Strode of Barrington) burst into Lyme and Bridport, arresting Short and Kerridge. One contemporary source alleged that the soldiers

ripped the seats and the pulpit out of the Lyme meeting house, but later nonconformist accounts credit Strode with restraining the men under his command. (101)

The effects of this lightning strike were only temporary, and by the autumn Sir Courtney Pole complained to Jenkins that Short was again at large in the town. (102) Pole, along with the Dorset lord lieutenant, the earl of Bristol, attended the mayoral election in October, and no doubt supported the candidature of Robert Jones, who was known to be an opponent of the dissenters. But for some reason Pole still held a poor opinion view of Alford. In a letter to Jenkins he blamed the captain for the continued presence of Short in the town, going so far as to call Alford 'dangerous' and a threat to the election of suitable candidates to parliament. (103) No convincing reason for this animosity has come to light, but it is not beyond the bounds of possibility that Alford had crossed Pole in his capacity as customs surveyor. Jenkins took note of Pole's warning about Alford's loyalty: a local tory knight had thus helped to undermine the most zealous churchman on the corporation. (104) The nonconformists of Lyme regarded Alford as their chief tormentor, and he had been responsible for the promotion of the town addresses abhorring the 'Association' (May 1682), and expressing detestation of the Rye House Plot (which he had delivered personally), but he was now under suspicion in London for disloyalty. (105) Although Alford's star was in decline, and the prosecution of conventicles at a much reduced level, corporation politics was still highly spiced. In January 1684 a letter was sent by the justice Robert Coad

requiring the county gaoler, Thomas Knapton, to take the burgess Edward Keetch into custody for 'words of contempt and *contra bonos mores* unto Robert Jones, mayor'. (106)

The dissenters struck back by capturing the mayoralty for themselves in October 1684. This was a further personal set-back for Alford who was defeated in the election by Robert Burrridge, brother of John. (107) But Burrridge's tenure of the office was short-lived. The town's charter was surrendered towards the end of the year and renewed by 5 January 1685. (108) It is not recorded who was responsible for procuring the surrender, but the only significant alteration to the personnel of the corporation was the replacement of Burrridge as mayor by Alford. The importance of this was that it guaranteed Alford a place on the magistrates bench for at least three years. This regulation appears to have been specifically designed to tackle the problem of the nonconformist congregations in the town. Alford had presumably convinced central government of his loyalty, and was probably instrumental in arranging the surrender. The regrant was rather hurried (even Edward Keetch was not dismissed as a burgess), but as Alford had received almost no help from above since the beginning of 1682, when he had first brought the misgovernment of Lyme to the attention of secretary Jenkins, he must have been thankful for small mercies. (109)

He wasted no time in exercising his new powers. As soon as the contents of the charter became known, in late December 1684, a presbyterian conventicle, held at the house of the freeman Benjamin Beere, was raided and, Ames Short fined £40. (110) Other

convictions followed, and Alford and Jones issued a warrant for the arrest of the former freeman James Pitt for refusing to give sureties and using opprobrious language to justice Solomon Andrews. (111) At the time of Charles' death the nonconformists in Lyme were finally being hit hard and consistently. Obstructed for years by corporation members, town juries, and county justices, Alford had at last gained sufficient power that he need no longer rely on others. This says more for his perseverance than it does for the efforts of central government to support him. Even now he was still in a minority on the corporation, and five months later he would be fleeing for his life as Lyme welcomed the duke of Monmouth. (112)

Bridport.

Throughout this study the committed persecutor has emerged as an isolated figure; in Bridport this was certainly the case. The Quakers of the town had been subject to the sporadic attentions of the town's magistrates since the Restoration. (113) From late 1681, however, they were remorselessly hounded by William Bond, a militia trooper and sometime gaol keeper in the town, who held no place on the corporation. Twelve Friends were imprisoned for five months in the town after they had been presented, on Bond's insistence, for non-attendance at church, in November 1681. They were eventually released on a writ of a *certiorari* procured by presbyterians who had appeared on the same indictment. (114) Bond's campaign reached its height in 1683. In January goods were distrained from eight Friends in lieu of

conventicle fines, and in June six more Quakers were committed to the town gaol for attending a seditious meeting. By this time Bond was taking the law into his own hands. With one of the town constables and a local blacksmith, he broke into the Quaker meeting house and 'broke all the benches and other forms of conveniency with the glass windows, so that no part was left whole'. He made his intentions quite clear to the Friends: 'If the King will give me a commission, I will hang and quarter you all'. (115)

The Book of Sufferings alleges that Bond 'often gave false witness' against the Quakers, 'making it his work to hunt after those engaged in religious worship'. Accusation was also made that Bond was acting in league with the bishop of Bristol, whose palace at Symonds bury was close to Bridport. He was present at almost every Quaker meeting, and continually pestered the magistrates and other officers of the town, who 'were willing to be quiet without disturbing their honest and peaceable neighbours'. (116) After a while the justices actively tried to avoid Bond, but he threatened that if they did not prosecute nonconformists 'he would indict the magistrates at £100 a man'. In the case of the bailiffs Joseph Bishop, Thomas Ellis and William Bull he carried out this threat. The sessions at which they were indicted is unrecorded, but we do know that Bond's charges were rejected by the court. Undeterred, he carried on disturbing Quakers and lodging informations with the town's magistrates. He tried to turn peaceable meetings into riots, and failing to impress the civic justices, he started presenting

nonconformists to the assizes. (117)

The severity of Bond's proceedings antagonized the majority of the residents and governors of Bridport. This was conclusively demonstrated at the town sessions on 2 February 1684. Twenty Quakers were presented to the court for riotous assembly. The jury did not find the bill, but this *ignoramus* infuriated the town's recorder, Hugh Hodges, the county justice and client of the earl of Bristol, from Sherborne. (Hodges did not often attend the town's sessions) He ordered another jury to be empanelled, which according to the Quakers was packed; but even this jury did not find a *billa vera*. Unable to get a conviction, Hodges ordered the Quakers to pay the fees of the clerk of the court. This he well knew they would refuse to do, and so they were committed to the town gaol for contempt. Once Hodges had left the town, the bailiffs who had conducted the Quakers to the prison apologised to them, saying that they were only incarcerating them 'for fear of Bond the old informer who followed them continually'. By ordering the removal of the gaol from Bond's less than tender care, the bailiffs at least managed to ameliorate the lot of the prisoners. (118)

Bond was not so easily thwarted. In the autumn he regained control of the gaol, and subjected the Friends to degrading conditions. He also stepped up his pressure on the town magistrates, doubtless with the support of Hodges. At the start of 1685 he had (according to the Quakers) 'brought almost all into conformity by his wicked and inhuman cruelty to them, except the Friends...'. (119) Bond's one-man onslaught on the nonconformists,

in the face of opposition from the corporation, had been remarkably successful. It was the result of tenacious exploitation of the anti-dissenter legislation, which allowed him to bully the town's justices with the threat of massive fines for negligence. (120)

Taunton.

Taunton was the most turbulent town in the region: dependent on its ailing cloth industry, with a strong republican tradition, and a very large population of dissenters. (121) We have already noted the frustration of the Somerset militiaman, Thomas Venn, that the county forces had not been ordered to suppress dissent in the town in early 1682. (122) His commander repeated this sentiment, in April 1682, when he sensed that spirits in the town were so low that:

If I and three of my brethren do not disarm the whole town at any time, when commanded, His Majesty shall hang us at the gates, and was the mayor loyal and not a coward he might easily surprise poles (the St Pauls meeting house) as they call it, or, if our power could but enter the walls of that rebellious assembly. (123)

Stawell was being harsh on the mayor, whose assiduity against the dissenters had been praised by Jenkins, and no less harsh a critic than the bishop of Bath and Wells; although he had not achieved the 'wonderful successes' of which Mews was confident. (124) In a town like Taunton, only the most brave and steadfast tory corporation member would attempt to implement the penal statutes against dissent. It appears from later evidence that a significant proportion of the corporation was not simply pusillanimous, but disloyal. (125) However, for the meantime

Stawell's enthusiastic offer was not taken up. By 11 May the spirits of the Taunton nonconformists had risen sufficiently for them to celebrate the anniversary of their deliverance from Hopton and Goring, with their usual fervour. The corporation could do nothing to halt these festivities. (126)

In the year that followed, with the support of bishop Mews, the local Tories found the man for the hour: Stephen Timewell. (127) Timewell, a prosperous shopkeeper, was elected mayor in late September 1682 and set about the task of filling the Anglican churches of Taunton with an enthusiasm bordering on the fanatical. (128) His dedication had explosive consequences on 11 May 1683. He was determined that the unwarrantable celebration of this day should be stopped once and for all. Rising at three o'clock in the morning, he walked the streets of the town with 'fellow members' of the corporation and several others, whose loyalty to the King was presumably greater than their need for sleep. (129) The *posse* found little at first, except a group of strangers wearing orange ribbons in their hats. By six, however, a crowd of about 1000 was gathering in the High Street, 'shouting, clapping and throwing up their hats'. Timewell was assaulted as he attempted to arrest a rioter, and scuffling continued on and off until nightfall, when the mayor retired to his house and set a strong watch. He ventured out again at ten o'clock, but was stoned and forced to regain the sanctuary of his home, strengthening the watch on the prison, and setting a guard at his own door. (130) Over the following weeks conflict, sparked by the events of 11 May, raged in west Somerset. Timewell was assaulted

at Wellington fair in mid-May, by which time the privy council was monitoring events around Taunton. (131) With bishop Mews, the mayor had requested that the King issue commissions of association to empower local magistrates to act within the boundaries of the corporation. Despite the urgency of the situation, little had been done about this by the middle of July. Extraordinary though it may seem, secretary Jenkins claimed that he did not have access to a copy of Taunton's charter, and had to write to bishop Mews for confirmation that such an enabling clause had actually been inserted. (132) The secretary promised immediate dispatch of the requisite commissions on receipt of the information, yet this was not done.

While Timewell was waiting for the associate commissions to be sent down he soldiered on, convicting conventiclers from the St. Paul's congregation on four occasions, and pulling down the posts of the meeting house. (133) At the same time he tried to encourage popular toryism with a lavish celebration of the King's birthday and Restoration day at the end of May. The grand finale of the day's junketings was the construction of a huge bonfire on the Cornhill, under the supervision of the town clerk and Timewell's son. The canary flowed freely, and the healths of the King, the duke of York, government ministers, and the bishop of Bath and Wells, were drunk with great enthusiasm. The evening was rounded off with an edifying spectacle. The gate-posts of the meeting house, which it had been threatened would act as Timewell's gallows, were thrown into the middle of the fire. Perhaps flushed with an alcoholic perception of his success,

Timewell boasted that he had broken the neck of the Taunton meeting, and if not he soon would. (134)

This confidence might have dissuaded the government from commissioning special justices for the town, but despite Timewell's claims, the town's recorder, John Wyne, reiterated the demand for the extra magistrates in late July. (135) In the meantime the Rye House Plot scare had brought deputy lieutenants into the town to make search for arms. (136) Few had been discovered, but Wyne reported that leading nonconformists were sheltering there, 'on confidence that we have no power to put the Oxford Act [Five Mile Act] into execution'. (137) Despite this, Timewell's spirits remained high. In early August he claimed to have administered the oaths of allegiance and supremacy to all but 100 men over the age of eighteen in the town, and to have stopped all private meetings within his precincts: 'I thank God has so blessed my proceedings that they all quake before me'. (138) As Alford had found at Lyme, the easiest way to avoid the attentions of a persecuting town justice was to hold services beyond his jurisdiction. This the Taunton dissenters did, employing an elaborate spy system to warn of the approach of any county justice. Timewell had now become totally committed to the pursuit of sectaries:

I shall be at leisure for public service, for my trade is almost gone, so I intend to give it off, for I can have more by the year for my house than I get from my trade, for all Dissenters make it their business to persuade people from me, and, I believe, would kill me if they could conceal it, but I fear them not. (139)

He went on to gut the St Paul's meeting house, and did the same to that of the baptists. The Anglican churches in Taunton were indeed filled, but these successes had been achieved at great personal cost to Timewell, and they were as yet precarious.(140) He mentioned to Jenkins that the end of his mayoralty was fast approaching, and hinted that only an extension of his powers beyond September would guarantee the conformity of the town.(141) As the weeks passed by, Timewell maintained his vigilance, scouring the outskirts of the town for meetings. He had plenty of free time now, for the boycott on his shop was almost complete.(142) He made his intentions to leave the town clearer, and made his veiled request to be created a county justice less veiled. The signs convinced him that the nonconformists were preparing for the end of his mayoralty, and designating the houses at which their meetings were to recommence.(143) His repeated appeals were finally answered when his appointment as mayor for a second term was confirmed, and he was now supported by the local magnate Sir William Portman, who had at last been commissioned as an associate justice in August.(144)

Secure in the extension of his authority, the mayor systematically prosecuted nine large conventicles between September 1683 and mid-January 1684. Although by the beginning of the year meetings had been stopped, the resolution of the dissenters remained as strong as ever, and was given a filip by the release of John Trenchard, the demagogic former whig M.P. (he had been in prison since the discovery of the Rye House Plot).(145) But outwardly Taunton was conformable and remained so

until the end of the reign. Late in January 1684 bishop Mews recommended that the assizes should be kept there, not only because of the superior accommodation available, but because the town had a 'loyal corporation who deserve encouragement'. (146) In April, the valetudinarian Ralph, Lord Stawell, supported the further extension of Timewell's period of office: '...he is more capable than any one else of controlling that town for the King...'. The following month saw the recommissioning of Sir William Portman as an associate justice for a further term, and he was joined by the bishop of Bath and Wells. (147) The jurisdictional jigsaw was finally completed in October when Timewell achieved his ambition and was elevated to the county magistracy. (148)

Timewell was the most notorious persecutor of town conventicles in the west of England, operating in the most notoriously factious of all west country towns. He destroyed St Paul's, he forced dissenters to attend Anglican services, but as the behaviour of the town during Monmouth's rebellion showed, he drove militant nonconformity underground; he did not destroy it. His victories were only achieved with the belated support of central government, given after the discovery of the Rye House Plot had given currency to his claims. As at nearby Bridgwater (but not at Lyme) the plot provided fresh impetus to the attack on the nonconformist congregations. (149) The opportunity of buttressing the town's magistracy with loyal local gentlemen provided in the 1677 charter was not taken up until August 1683.

Bishop Mews had been fighting the St. Paul's congregation in the town since 1676, yet it took central government seven years to give its adherents the support they needed to tackle the problem of religious dissent in and around Taunton.

(e) The Tory Reaction and the Attack on the Borough Charters 1682-1685.

The above section has shown that even in the towns with the strongest traditions of dissent, local Tories did not receive immediate or consistent support in dealing with the nonconformists: was this same lack of coherence and resolution evident in the policy of the Crown towards the governing bodies of the corporations themselves? One of the most celebrated aspects of the Tory Reaction was the renewal of borough charters, reserving the rights of appointment and dismissal of corporation members to the Crown, and in most cases making alterations in the key posts of municipal government. (150) This final section will plot the course of charter renewals in the towns of the west.

The latest research has produced unanimity on the purpose of the charter renewals, which John Miller and Andrew Coleby agree was not principally electoral, but an attempt to gain control over municipal government (especially the municipal courts), equivalent to that achieved in the counties. (151) However, they differ slightly as to the origin of the initiative for the prosecution or forced surrenders of the charters. Before May 1685, Coleby has found only one instance of a locally inspired surrender in

Hampshire, but Miller, taking a broader sweep, has found enough evidence to suggest that the earlier actions against charters in 1682 and 1683 stemmed from local supporters of the Court. (152)

The three towns in the west which had lost their old charters by the end of 1683 were Wells, Bridgwater and Poole. That Wells was the first corporation in the region to have its charter successfully challenged is hardly surprising. The city had defiantly returned whig M.P.s in the elections of August 1679 and 1681 (on a corporation franchise), one of whom was its recorder William Coward. (153) It was also the episcopal seat of the belligerent Peter Mews. As we have seen, Mews was responsible for the clauses favouring the Crown in the Taunton charter of 1677, and since then had been a trenchant advocate of renewing the charters of other west country towns in similar vein; although up to now this advice had gone unheeded. (154) Unfortunately, Mews' role in instigating the *quo warranto* against the Wells charter is not clear. It was reported in April 1682 that an address abhorring the 'Association found in Shaftesbury's closet', produced in the city, had been suppressed by the mayor, on the excuse that he was afraid he would have to answer for the consequences 'before the next parliament'. (155) This act of disloyalty or cowardice was widely publicised, and may have been responsible for the prosecution of the city charter, which had been undertaken by November. The attorney in charge of the prosecution, John Packer, stated that he had started proceedings at His Majesty's command. Who or what prompted the King's order to the attorney is again unknown, but the very close interest which the bishop took in the

affair points to his involvement at an early stage. (156)

The *quo warranto* was fiercely resisted by the mayor and part of the corporation. Packer reported:

...I think myself bound to advertise you of the stubborn and irregular proceedings of the mayor in direct opposition to the King's interest, and the desires and endeavours of all the honest men of that body whom I find very willing to hear what I had to signify to them from His Majesty and on his gracious promise, to make a submissive resignation of their charter, and to that end the major part have more than once desired the mayor to convene them, which he has twice appointed and both times deceived them, and has now given positive denial without any reasons, and taken care, as he says, for an appearance at London by virtue of previous orders (which is rather an association to oppose the King) to maintain the suit by the sale of corporation lands, which order was obtruded on the weak brothers by the canting insinuations of Mr Coward, the recorder, and the rest of the factious party in the absence of many of the loyal and understanding men, who had no notice of the meeting, nor can have a sight of the order, the town clerk's book of entries being taken away by the mayor with the keys of the Council House. (157)

Such spirited defence was difficult to overcome, despite the consensus amongst the local Tories that Wells was predominantly well disposed to the King: 'Wells men are for the most part loyal, though the mayor and some few of the magistrates are not'. (158) A "popular" demonstration of support for the government occurred in early September 1683, when the 'loyal men of the town, to show their detestation of Fanaticism, dressed up Jack Presbyter with his short coat, his black cap turned up with the white like a holder forth, and on him was fixed Association and Ignoramus, No Bishops etc, and then in a solemn procession they carried him round the town, and at the Market Cross burnt him with his libels about him'. (159)

The issue finally came to a head after the mayoral election

in October 1683. The new mayor, Richard Hole, was a candidate sponsored by bishop Mews, and proved far more amenable than his predecessors. Acting under instructions from Packer and the chancellor of the diocese, John Bayly (a county justice), he called a 'checker' or council meeting, which was attended by the majority of the corporation. After long debate, he prevailed upon the councillors to surrender the charter voluntarily, and appointed himself to deliver the submission to Charles in person. (160) To facilitate the submission and ensure its legality, secretary Jenkins sent a draft of the terms of surrender employed at such places as Coventry, Northampton, Norwich, and Nottingham. This more than suggests that the surrender of Wells was not merely *ad hoc*, but part of a wider, if as yet far from comprehensive, scheme.

The surrender took place in early November in the presence of the mayor, colonel Thomas Wyndham (a leading tory gentleman who lived at Witham Friary), and other local dignitaries. Hole was assured that the government of the city would not lapse until the surrender had been enrolled, and that in the meantime the present magistrates should continue to exercise their authority until the new charter was granted. (161) Wells was re-incorporated on 8 December. As was standard by now, power to dismiss corporation members was vested in the Crown. For the present, the magistracy was to consist of the mayor and the ecclesiastics, chancellor Bayly and bishop Mews, while William Coward was replaced as recorder by Thomas Wyndham. (162)

Packer's confidence that committed supporters of the

surrender outnumbered those who opposed it was probably misplaced. Hole obviously had to work hard to win over the checker. The clinching issue may not have been political, but that of the county quarter sessions. The Somerset January quarter sessions had been held in the city until 1681, after which, for some unspecified misdemeanour, the *custos*, Viscount Fitzharding, removed them to his home town of Bruton. It seems that the mayor suggested to the meeting that if the charter was surrendered voluntarily, the Crown would order that the sessions be returned to the city. In early December Hole organised a formal petition, which was received favourably at court. (163) Fitzharding was ordered to hold the January 1684 sessions at Wells, but, naturally, he was reluctant for the court to be moved from his own town. He replied that the precepts had already been sent out for the sessions to be held at Bruton, and that, as *custos*, he believed that he had the right to appoint the sessions towns in his county. (164) In the end, the city had to be satisfied with the royal promise that all future January sessions would be held there. (165)

Bridgwater was an even more factious town than Wells. We have seen that complaints were made about the loyalty of the corporation on several occasions before July 1683. Conspicuous support for the whig recorder, Sir John Malet, from prominent councillors, laxity of the magistrates in prosecuting religious dissenters (of which there were many), and the establishment of the popular electoral franchise, which now guaranteed the return of whigs, were all pressing reasons for the alteration of the town's

charter.(166) Despite the apparent necessity of a review of Bridgwater's corporate rights, central government took no direct part in procuring the surrender of its charter.

The first hint that *quo warranto* proceedings were being contemplated came in mid-June 1683. The newly created Lord Stawell suggested to Jenkins that if such a course were taken, which he thought should be done, bishop Mews and himself could be relied upon to supply a list of good and able men to serve the corporation, despite the paucity of such living in the town. Stawell had recently received full details of the judgement against London's charter, and it is likely that news of the government's victory prompted him to advocate a similar action against Bridgwater.(167) Before any measures were taken, news of the Rye House Plot broke, enabling the local gentry to use force rather than legal niceties against the factious in the town. They struck at 8 a.m. on 6 July. Stawell, Sir Francis Warre, and Sir Edward Phelps, accompanied by militia troops, entered the town to search for arms. In their investigations they came across the main dissenter meeting house, 'which was made round like a cockpit and could hold more than 400'. This they demolished, and caused the combustible remains to be carried to the Cornhill. As at Taunton in May, a huge bonfire, fourteen feet high, was constructed, on top of which was placed the pulpit and cushions. Once the fire was alight, other local gentlemen arrived in the town, to gloat and to toast the King's health. (168) This symbolic rape of the corporation's jurisdiction must have had a demoralising effect upon the whig councillors, for shortly afterwards a meeting was

arranged with bishop Mews and Lord Stawell, at which it was agreed to lay the charter at the King's feet.(169) Stawell acted as an intermediary with the Crown over the next couple of months, and his henchman, alderman William Macy, brought the charter and the deed of surrender, with the common seals affixed, up to London in late September. (170)

As at Wells, however, the surrender did not go uncontested. Sir John Malet organised a petition among the freemen of the town, which alleged that 'some few of the Common Council' had set the common seal to the surrender without the consent of the freemen.(171) Malet's petition was unsuccessful, but his local rival Stawell did not have things all his own way. The attorney-general, Sir Robert Sawyer, was careful in his scrutiny of a petition from Stawell's supporters, making recommendations for the new charter. Stawell himself had advised the displacement of half the twenty-two capital burgesses, but three of his own nominations were rejected, as was the request that Viscount Fitzharding be named recorder: this post went to Sir Francis Warre. Lord Stawell's supporters originally pressed for the inclusion in the new charter of a clause providing for the creation of 'an artillery not exceeding 80 or 96 men, loyal sons of the Church, to have power to array weapons and march with drums beating and colours flying, to be exercised by Lord Stawell, and that the said Lord shall elect, out of the said 96, 13 who as a court of assistance may nominate their days for exercise and make reasonable bye-laws'. Although this demand was subsequently reduced to that for a force of thirty men, Sawyer rejected it out

of hand, advising that it was not proper to insert it in their charter. In effect the town's 'artillery' would have been no more than a private army, outside royal control. It may also have been viewed as provocative to the townsmen, for it is unlikely that many of them would have been included in the force. Another of Stawell's proprietary suggestions was dismissed: that he and Peter Mews should have the power to displace members of the common council at the request of the majority of the councillors. This clause would have negated the value to the Crown of the charter renewal. Instead Sawyer opined that 'the displacing of common councilmen should be within the general proviso for the Crown by order to displace them'. Lastly, the franchise was restored to the corporation, although the ambiguity which had allowed the Committee of Elections to find for the commonalty in 1679 was repeated. (172) The message from Bridgwater was that the government was determined to gain control over corporation personnel for itself. It was not prepared to alienate it to its local supporters.

The regulations at Wells and Bridgwater were successful; that at Poole was not. The corporation at Poole had been defiant in its support of nonconformity throughout the 1660s and 1670s. The symbol of this defiance was the preacher Samuel Hardy. In 1667 the townsmen invited him to the living of Canford, which was a royal peculiar, and beyond the jurisdiction of the bishop of Bristol; and they resisted all pressure from secular and ecclesiastical authorities to shift him. Finally, in September 1682, a commission was issued under the great seal to the bishops of

Salisbury and Bristol, and seven others 'to visit the Church of Canford Magna with the chapel of Poole annexed, which are a royal peculiar'. The commissioners 'finding Samuel Hardy, minister or curate of the said chapel, obnoxious to the law, decreed him to be deprived'. Hardy defied this order, marshalling such a convincing legal case that a second commission was appointed to examine the case to 'divers doctors of the civil law'. Having gained this reprieve, the minister resumed preaching in the chapel 'without reading the Book of Common Prayer'. The bishops and the local gentry on the original commission appealed against the suspension of their order, claiming that this was irregular, and it appears that Hardy was soon banished from the town on the insistence of the gentry commissioners. (173)

This commission presaged the inevitable attack on Poole's charter. In 1683 two Dorset Grand Juries presented 'the corporation of Poole, and especially their being a county' as a nuisance to the county of Dorset, and it was reported that 'by reason of their being totally disaffected' the county gentry had compiled 'several heads of evidence of the forfeiture of their charter...'. (175) The *quo warranto* proceedings were started on 23 June 1683. (176)

As at ~~with~~ Wells and Bridgwater, there was resistance to the attack. In September, William Ettrick (son of Anthony the most zealous tory in the Poole area) told Jenkins that although the loyal party prevailed everywhere else in the county, at Poole neither the late conspiracy, nor the *quo warranto*, had produced the least ammdement: 'The people there have so long lived with

immunity by reason of their being a county and being sure of their Protestant juries, that they look on themselves as a Hanse town, and are resolved to defend themselves to the last'. (177) As the tories had feared, the corporation was using revenues obtained from the ballast quay used by the pipe-clay boats from Wareham and Poole to fund its legal defence. Ettrick suggested that if the ballast quay was removed to land owned by one of two loyalist gentlemen, the corporation would soon be forced into submission. This proved unnecessary. During the legal vacation the corporation realised that ultimately it would lose the case, and so efforts were made to persuade one of the local gentry to intercede with the Crown. Finding none willing to oblige, the town turned to a tory merchant from London, Ben Skutt. In return for the promise of a seat in parliament and the settlement of a dispute between the corporation and Skutt's nephew, he agreed to procure a favourable charter for the town. This only brought frustration, for Skutt's negotiations were to no avail. The corporation registered its formal submission in October, but refused to accept the new charter, which was along the lines of that proposed for London. (178)

As an interim measure the government of the town was vested in a special commission of the peace which consisted of the Lord Keeper, Sir Francis North, the earls of Radnor and Arlington, Sir Nathaniel Napier, Thomas Erle, Thomas Chafin, William Culliford, Anthony Ettrick, George Ryves, and Henry Constantine (these last seven Dorset J.P.s). John Wyndham, the Salisbury tory (also on this commission), was appointed mayor (179) The commission was

renewed in July 1684, and Wyndham continued to serve as mayor (with alderman Skutt as his deputy) until September 1688, when a new charter was finally granted.(180) This arrangement was clearly unsatisfactory, but as the town refused to accept any charter that deprived it of its county status, and as the county gentry were convinced that there were 'not enough honest men in the town for magistrates and officers, or if there were, there is no loyal party to stand by them', there was little alternative.(181)

Only Poole, Bridgwater and Wells surrendered their charters before 1684, but pressure may have been applied to some others. As early as September 1682, Edward Carpenter, mayor of Marlborough, wrote to Lord Bruce, representing the wishes of the tory corporation that he advise the King to continue the charter. (182) It is not known whether a *quo warranto* had been threatened, or if the mayor was anticipating such an action, but Marlborough survived the Tory Reaction without having to submit to the King. The same was true for only four other corporations in the three counties.(183)

By the beginning of 1684 legal actions were in progress against Shaftesbury and Calne. (184) Judgement was passed against Calne a few months later (which made it unique among the boroughs of the three counties during these years). The action against Shaftesbury may have been the result of a letter from colonel John Wyndham. In November 1683 the colonel, acting in his capacity as a Wiltshire deputy lieutenant, was authorised by Jenkins to inquire into the large numbers of Scots pedlars travelling in the area, who were thought to be acting as couriers for local plotters. He

wrote to the secretary: 'I have also found out when and where a great number of those persons will lodge in Shaftesbury , but that place and its magistrates being generally factious, I shall find some trouble in getting them searched for and examined'. By the end of January 1684 the local tories were preparing to take the surrendered charter up to London, and the warrant for a new charter was issued on 8 March. The Crown received the usual right to dismiss corporation members, and freedom of the borough was permitted to 'foreigners' (i.e. the local gentry). A tory hard-liner from nearby Handley, Sir Henry Butler, was appointed recorder, and another tory and county J.P., William Bowles, was made a town magistrate.(185) Another important change made to the charter was the restriction of the franchise to the corporation. During the Exclusion Crisis elections at Shaftesbury had been riotous and expensive affairs. Although the tory Sir Matthew Andrews had managed to break the whig monopoly in August 1679 and again in 1681, the popular franchise was not only unpredictable but disruptive of town life. It is likely that the alteration was made at the request of local tories, wishing to protect their pockets and reduce disorder.(186)

Until the autumn of 1684 the attack on the charters was still piecemeal, but from September the pace accelerated rapidly. A *quo warranto* was out against the small corporation of Malmesbury some time before September, with the full support of the tories in the town (unfortunately it is not clear whether local tories were behind the prosecution of the writ). But their efforts were outflanked by the cunning Malmesbury whigs:

Tom Howard brought that charter to the King and with it, as I am credibly informed by the loyal men here, those that were very obnoxious, who by his introduction kissed the King's hand and had a favourable reception, by which means they are returned with flying colours, and the loyal persons, who have forced them to this, dare hardly show their heads...expecting the offenders will be continued in power and will revenge themselves on these gentlemen for having given materials to justify the *quo warranto*. (187)

In response to this, the support of the duke of Beaufort was enlisted. Malmesbury, in the far north west of Wiltshire, was close to the duke's seat at Badminton, although strictly outside his considerable province. He expressed himself unwilling to interfere, but because the town was as electorally important as Bristol, Gloucester or Hereford, in that it returned two members to parliament, he felt constrained to advise the Crown on the form of the new charter. He was particularly concerned that the corporation franchise be confirmed, and recommended to the attorney-general that the drafting of the new charter be halted until he should be consulted about those men fit to be corporation members. (188) Beaufort's advice was accepted by Sunderland, and the new charter was not forthcoming until March 1685, when the duke was created high steward, and the tory J.P.s Henry Chivers and John Fitzherbert were appointed capital burgesses. (189)

The loyalty of Salisbury's corporation was much less open to doubt. In January 1683 the earl of Clarendon was chosen high steward (to replace Shaftesbury), and later in that year no fewer than ten tory gentlemen (all but one local) were admitted as freemen, including George Johnson, Thomas Penruddock, Sir Nathaniel Napier, and Thomas Chafin. The city was also one of the

earliest to deliver an address to Charles in detestation of the Rye House Plot. (190) During the preparation of lavish entertainments for the visit of the duke of York and Prince George of Denmark in September 1684, the mayor was desired by the common council to visit the high steward at Winchester to have discussions concerning the possible surrender of the city charter. The duke and the Prince were admitted as freemen, and on 25 September it was ordered that colonel John Wyndham should deliver the charter to Clarendon along with a petition for a re-grant. (191) Wyndham's experience at Poole strongly suggests that he was in some way responsible for the surrender, and the visit of the duke of York is unlikely to have been coincidental.

Sir John Talbot may have been behind the surrender of the Devizes charter. He was constituted recorder in the charter of March 1685, and was responsible for bringing the new charter down to the town. (192) Like Salisbury, Devizes possessed a largely tory corporation; indeed only six of the thirty common councillors and capital burgesses were replaced in the new charter. Unlike Salisbury, however, there had been recent political trouble on the town's governing body. In August 1684 Robert Sloper, a magistrate, was displaced by council order, because of his vituperative opposition to the recorder Charles Danvers and the mayor, whom he called a 'damn impudent liar'. (193) Such internal squabbles may have hastened the decision to surrender the charter, taken on 8 November:

This court taking into account that His Majesty has lately issued out divers *quo warrantos* against divers corporations ... so that this corporation cannot expect anything less than the like course to be taken against it, unless timely

prevented by a voluntary surrender...whereby this corporation may have a greater expectation of His Majesty's bounty and favour than by a compulsive surrender. (194)

The realism of Devizes was reflected around the region. At Bath, despite the desire of the council to prevent faction, similar squabbles had plagued the city in 1683 and 1684. These disputes reveal how critical the political balance in Bath still was. Close votes were taken on the misdemeanours of the bailiff Matthew Reeve, accused of treason, and on the case of John Sherston a common councillor, by which the corporation was split from early 1683. (195) Sherston was described by a loyal member of the corporation as 'a most pestilent Presbyterian', who was very active making a party to defeat the tories Sir William Bassett and Viscount Fitzharding, who had been elected in 1681. A convicted conventicler, he had told a tory councillor that many fit ministers were no longer allowed to preach, and then unwisely admitted that he had never taken the oaths of a freeman. On this basis an attempt was made to dislodge him from the corporation. As in the case of Walter Hicke in 1680, the enthusiasm of the council to display loyalty to the Crown was mixed with reluctance to deepen divisions in the city. The mayor tried to stall proceedings, but the matter was brought to the vote on 4 April 1683, when it was decided by twelve voices to eleven that Sherston should not be dismissed. The nonconformist's enemies did not let the matter rest here. On 19 April the quarter sessions' Grand Jury presented Sherston for seditious words, disaffection, and for the illegality of his position on the council. (196) Sherston survived into the autumn of 1684, until the corporation, doubtless advised

of the pointlessness of trying to defend a *quo warranto*, agreed to surrender its charter. (197) This was on 11 November, and ten days later Sherston was turned out of the corporation for his various misdemeanours. (198) The tory victory was sealed by the new charter issued in December. Five out of the thirty-one councillors were dismissed, destroying the balance which had maintained Sherston's position for so long; and Viscount Fitzharding was appointed as 'the first high steward'. (199)

When Charles died in February 1685, only the corporations of Marlborough, Dorchester, Weymouth, Ilchester, and Taunton, had not submitted their charters for renewal. (200) Before September 1684 there was no real pattern to the submissions, which were all forced by *quo warrantos*, often, but not always, as the result of a local initiative. (201) Thereafter, the pace of surrenders quickened until the beginning of December. None of these (with the exception of Malmesbury) appears to have stemmed from legal proceedings. The fall of the London charter in June 1683 had demonstrated the futility of resisting a *quo warranto*: only Calne fought to the bitter end. It would be charitable to view the increased pace of charter surrenders as part of the long term strategy of central government. *Quo warrantos* were time-consuming and expensive (John Packer the attorney responsible for the prosecution of Wells had still not received payment in October 1684). (203) There is a possibility that it was thought expedient to prosecute corporations only where this was absolutely necessary in the expectation that, in the fulness of time, the others would fall as ripe apples from the tree. Less charitably, but more

realistically, central government did not realise what a good shake of the tree could achieve until early autumn 1684. John Miller attributes the increasing speed of surrenders to the growing influence of hard-liners such as Jeffreys and the earl of Sunderland, who were outstripping the moderates like Halifax and Ormonde. He cites Jeffreys' activities as an assize judge to support this. Whoever was responsible, there was now a new coherence and urgency in the charter policy of central government. (204)

The policy may have been more coherent, but its implementation was not comprehensive. Here there is a strong parallel with Hampshire, where three corporations, whose charters had not been surrendered in the reign of Charles, elected whigs to the only parliament of James' reign. (205) Dorchester had consistently elected whigs on a scot and lot franchise, as had Weymouth (on a freeholder franchise), which town was doubly important on account of its four seats. These two corporations were obvious targets if the charter renewals were to be speeded up in anticipation of a general election. They also had long traditions of religious nonconformity, so the survival of their charters is difficult to explain.

All the new charters had one thing in common: the inclusion of the clause reserving to the Crown the right to dismiss corporation members. The temporary powers of the commissioners executing the Corporation Act in 1662-3 had proved insufficient for the Crown to gain control over municipal government. In most towns the provisions of the Act were ignored or evaded. The new

charters gave central government the same direct powers of dismissal which it possessed over the county magistracies. The charters themselves did not entail great purges: they did not need to. Compared with the alterations of 1687-8 the changes were minimal. As we have seen, the recorder and magistrates were often replaced but, overall, corporation personnel was not unduly affected. Some corporations were already tory, and most others needed little adjustment to give the tories a comfortable majority. The changes at Bath, Devizes and Salisbury were typical in this respect.

The attack on the charters was characteristic of all manipulations of local government by the Crown in the 1680s. It contained some glaring omissions (Dorchester and Weymouth), clumsiness of execution (Poole), and until the latter part of 1684 it lacked a firmness and direction for which local tories clamoured. Nevertheless, by February 1685 this final stage of the Tory Reaction was very nearly complete.

Footnotes to II. (ii) The Corporations in the Exclusion Crisis
and Tory Reaction 1679-85

1. The parliamentary corporations were Bridport, Dorchester, Lyme, Poole, Shaftesbury, Weymouth, Bath, Bridgwater, Ilchester, Taunton, Wells, Calne, Chippenham, Devizes, Malmesbury, Marlborough, Salisbury and Wilton. Of these Bath, Bridgwater, Wells, Calne, Devizes, Malmesbury, Marlborough, Salisbury and Wilton elected M.P.s on a corporation franchise, while Lyme and Poole restricted the vote to the body of the freemen, which in both cases numbered about fifty. Of the corporations with wider franchises, Taunton with around 700 voters possessed by far the largest electorate. House of Commons, I, 212-224, 370-380, 437-461.
2. The seats at Shaftesbury, Bath, Bridgwater, Ilchester, Taunton, Calne, Chippenham, and Marlborough, were definitely contested. Overall, twenty-six committed supporters of the opposition were elected (out of a possible total of thirty-eight).
3. C.J., IX, 118-9.
4. William to Edward Clarke, 20 Jan. 1679, S.R.O., Sandford MS, DD/SF/3109.
5. Will. to Ed. Clarke, 29 Dec. 1678, S.R.O., DD/SF/3109.
6. Will. to Ed. Clarke, 7 Feb. 1679, S.R.O., DD/SF/3109.
7. Will. to Ed. Clarke, 29 Jan., S.R.O., DD/SF/3109.
8. Will. to Ed. Clarke, 11 Feb., S.R.O., DD/SF/3109.
9. Will. to Ed. Clarke, 7 Feb. .
10. Will. to Ed. Clarke, 7 Feb. .
11. Will. to Ed. Clarke, 14 Feb., S.R.O., DD/SF/3109. House of Commons, I, 373.
12. Will. to Ed. Clarke, 26 Feb., S.R.O., DD/SF/3109.
13. Will. to Ed. Clarke, 6 Aug., S.R.O., DD/SF/3109.
14. Will. to Ed. Clarke, 7 Feb. .
15. House of Commons, I, 373.
16. Will. to Ed. Clarke, 10 Mar., S.R.O., DD/SF/3109.
17. Will. to Ed. Clarke, 28 July, S.R.O., DD/SF/3109.

18. A. Browning and D.J. Milne, 'An Exclusion Bill division list', B.I.H.R., XXIII (1950), 218. Sir Halswell Tynt later became one of Somerset's leading whigs, but in the spring of 1679 voted against exclusion.
19. For the disregard of the town's leading dissenters for the ecclesiastical courts see W.R.O., Bishops' Papers Misc. Relating to Nonconformity and P.J. Norrey, 'Protestant Nonconformity in Wiltshire 1660-1689' (Bristol University B.A. dissertation, 1984), p. 44.
20. W.R.O., Marlborough General Entry Book 1666-1684, G22/1/23, fo. 43v.
21. W.R.O., G22/1/23, fo. 35. Duke of Somerset to the mayor and corporation, 8 Feb. 1673, G22/1/318A. House of Commons, I, 454, 625; II, 401.
22. For Elwes see House of Commons, II, 265. Bruce believed that Marlborough, Great Bedwyn and Ludgershall would show their gratitude to the Seymour/Bruce alliance and elect acceptable candidates, Memoirs of Thomas Earl of Ailesbury, Written by Himself, ed. W.E. Buckley (Roxburghe Club, 1890), I, 33-4.
23. W.R.O., G22/1/23, fo. 57. House of Commons, I, 739.
24. There is a full account of the election in J. Waylen, A History of Marlborough (London, 1854), pp 333-8.
25. W.R.O., G22/1/23, fo. 61. At this time the common council consisted of thirteen members.
26. No mention is made of this fifth candidate in House of Commons, I, 453-4, but the poll in the entry book records that Kem and Fowler voted for Db. The b stood for Bennet and, in all likelihood, the D for Daniel, as it had done in 1661. W.R.O., G22/1/22, fo. 140.
27. W.R.O., G22/1/23, pp. 173-4 (alternative pagination at the end of the volume).
28. W.R.O., G22/1/22, fos. 151-4.
29. W.R.O., Churchwardens' presentments for Marlborough St. Peter and St. Mary, 1665, 1667, 1668 and 1671.
30. The petition of Wildman and Hayes was entered on 25 October 1680. C.J., IX, 638.
31. W.R.O., G22/1/23, fo. 63.
32. W.R.O., G22/1/23, fo. 63v.

33. C.J., IX, 693. Many years later Lord Bruce, then earl of Ailesbury, claimed that Marlborough was the only seat where the corporation franchise survived a challenge in the House. He modestly attributed this to his own influence. Ailesbury Memoirs, I, 48.
34. W.R.O., G22/1/23, p. 174. The complete case of the corporation concerning the franchise is contained in W.R.O., G22/1/42.
35. The seats at Shaftesbury, Bath, Bridgwater, Taunton, Wells, Chippenham, Devizes, Malmesbury (?), and Marlborough were contested. Twenty-nine committed exclusionists were elected, about two more we cannot be sure, and the tories managed only seven seats in the corporations.
36. House of Commons, I, 452-3. Bath and Lyme shed a Court supporter each, while Sir James Long and Sir William Escourt, who had now made known their opposition to exclusion were re-elected at Malmesbury. Sir John Talbot the courtier did not stand at Chippenham, and his seat fell to the exclusionist attorney, Sam Ashe.
37. Bath R.O., Council Minute Book II, p. 762.
38. Bath R.O., C.M.B. II, p. 771.
39. Bath R.O., C.M.B. II, p. 788. The brief account of this affair in House of Commons, I, 371 is inadequate.
40. Mews to Allambridge, 19 Feb. 1680, P.R.O., SP29/413/24. Allambridge had served as a common councillor since 1665. Bath R.O., C.M.B. II, p. 400.
41. SP29/413/31. The following account is based on Allambridge to Sir Leoline Jenkins, 28 Feb., C.S.P.D. 1679-80, pp. 402-3.
42. Jenkins to Allambridge, 4 Mar., SP44/62, p. 1.
43. Allambridge to Jenkins, 17 Mar., C.S.P.D. 1679-80, pp. 416-7.
44. Jenkins to Allambridge, 20 Mar., SP44/62, p. 2. It was a pre-occupation of corporations at this period that political squabbles which entailed legal actions should not be pursued at the chamberlain's expense. See D.R.O., B3/H1, p. 485.
45. Mews to Jenkins, 3 April, C.S.P.D. 1679-80, p. 428.
46. SP29/413/101. C.S.P.D. 1679-80, p. 475.
47. C.S.P.D. 1679-80, p. 440.
48. At the Taunton assizes Mews had advocated that Bristol's charter be changed. He was convinced that the turbulence of Bristol was causing unrest in his diocese, and that urgent

- action was required to counter this. Mews to Henry Coventry, 11 April, Coventry MSS, fo. 202.
49. Earl of Bristol to the mayor and aldermen of Lyme, 3 May 1680, D.R.O., B7/D2/1. Descriptive Catalogue of the Charters, Minute Books and other Documents of the Borough of Weymouth and Melcombe Regis, ed. H.J. Moule, (Weymouth, 1883), p. 121.
 50. Strode to Jenkins, 15 May, SP29/413/105.
 51. C.S.P.D. 1680-1, pp. 125, 688. The 1677 charter gave the Crown the right to dismiss the town clerk. SP44/40A, pp.210-2. Bishop Mews was deeply suspicious of Taunton corporation at this time. He recommended that the town charter should be altered, both to change the franchise and to effect the introduction of loyal men to the council. Mews to Coventry, 14 April 1680, Coventry MS, VII, fo. 204.
 52. D.R.O., Lyme Court Book 1672-92, B7/B1/10, p. 227.
 53. D.R.O., B7/B1/10, pp. 236, 256; Register of Freemen 1569-1836, B7/B6/11, p. 31.
 54. Bath R.O., C.M.B. II, p. 812.
 55. House of Commons, I, 443.
 56. W.R.O., G23/1/4, fos. 235v, 236, 237v. House of Commons, I, 457.
 57. W.R.O., G23/1/4, fo. 206.
 58. W.R.O., G23/1/4, fo. 244.
 59. W.R.O., G23/1/4, fo. 244v. House of Commons, I, 457.
 60. W.R.O., G23/1/4, fo. 245v-246.
 61. W.R.O., G23/1/4, fo. 246.
 62. Luttrell, Historical Relation, I, 78. C.S.P.D. 1680-1, p. 258. W.R.O., G23/1/4, fo. 246.
 63. W.R.O., G23/1/4, fo. 247.
 64. The wearing of red ribbons in support of the duke of York, during 1681, in the city, was well known throughout the county. W.R.O., A1/110, T. 1681.
 65. W.R.O., G23/1/4, fo. 251.
 66. Reprinted in E. Green, The March of William of Orange through Somerset (London, 1892), pp. 4-9. C.S.P.D. 1680-1, p. 211.

67. Green, Orange through Somerset, pp. 3-4.
68. Information of Humphrey Yates ?June 1683, C.S.P.D. Jan.-July 1683, p. 387.
69. C.S.P.D. 1680-1, p. 360. It is likely that colonel Stawell was behind the promotion of this address. His election defeat in February still rankled. His efforts to regain a dominant interest in the town culminated in 1683 when, together with bishop Mews, he was instrumental in procuring the surrender of the charter.
70. C.S.P.D. 1680-1, p. 430. D.R.O., Dorchester Quarter Sessions Book, B2/2/1 (unfoliated).
71. The Crown did of course possess the power to remove recorders and/or town clerks in corporations which had been granted charters since the mid-1660s, i.e. Bridport, Shaftesbury, Salisbury, Taunton. Venn to Richard Newcourt, 15 Oct. 1681, C.S.P.D. 1680-1, p. 514.
72. Venn to Newcourt, 21 Jan. 1682, SP29/418/43.
73. Jenkins to Thomas Cotton, mayor of Marlborough, 19 Nov. 1681, W.R.O., G22/1/318C.
74. ? to the bishop of London, 14 Nov. 1681, SP29/417/96.
75. Calamy, Nonconformists' Memorial, II, 136-140. A privy council order was issued for Short's arrest in July 1669, but he appears to have escaped with the connivance of the town's authorities. P.R.O., PC2/62, pp. 68, 81, 91-2.
76. D.R.O., B7/B6/11, p. 32.
77. Anthony Thorold to Williamson, 1 June 1678, C.S.P.D. 1678, p. 201; C.S.P.D. 1679-80, p. 61. C.T.B., VII, 198.
78. D.R.O., B7/B1/10, p. 277. B7/B6/11, p. 32.
79. D.R.O., Lyme Misdemeanour Book, Counsels, Opinions, Loyal Addresses etc. 1681-1751, B7/A3/1, p. 1.
80. C.T.B., VII, 198, 553, 561.
81. C.T.B., VII, 339, 353, 369, 594, 603. D.R.O., Lyme Quarter Sessions Roll 1660-1685, B7/A4/3, Certificate on behalf of Flory signed by various corporation members.
82. D.R.O., B7/A4/3, four informations against Lacy dated 16 Jan. 1682. Gregory to Marmaduke Alford, 4 Feb. 1682, SP29/418/75.
83. D.R.O., B7/A4/3, Inquisition indenture dated 20 Jan. 1682.

84. Gregory to Marmaduke Alford, 14 Jan., SP29/418/28.
85. Gregory Alford to Jenkins, 30 Jan., SP29/418/52.
86. D.R.O., B7/A4/3, Record of conviction 29 Jan. 1682.
87. SP29/418/52.
88. P.R.O., T52/7, pp. 299-301. Ellesdon had been a security for the hapless George Pley, and had only been exempted from this heavy charge in view of his past services to the Crown. At one time this debt had forced the justice to quit Charmouth, leaving no county justice within twelve miles of Lyme. C.T.B., VII, 56.
89. SP29/418/28.
90. This account is based on Gregory to Marmaduke Alford, 4 Feb. 1682, SP29/418/75.
91. The preachers were Short, John Kerridge and Sampson Larke. Pole to Jenkins, 8 Feb., SP29/418/80.
92. Jenkins to Alford, 11 Feb. and note of a similar letter to Ellesdon, C.S.P.D. 1682, p. 75.
93. Strangely enough, Alford's convictions of 29 Jan. had been recorded in a newsletter as government propaganda. The report alleged that conventiclers had not met in the town since they were disturbed at the end of January, which was not true. C.S.P.D. 1682, p. 74.
94. Ellesdon to Jenkins, 18 Feb., SP29/418/101.
95. Calamy, Nonconformist's Memorial, II, 139.
96. D.R.O., Quarter Sessions Minute Book 1669-87. B7/A4/3, Conviction of John Kerridge by Will Ellesdon, 6 May 1683. Bishop of Bristol to Jenkins, 7 July 1683, C.S.P.D. July-Sept. 1683, p. 60.
97. D.R.O., B7/B1/10, p. 297.
98. D.R.O., B7/A4/3.
99. ? to bishop Lamplugh of Exeter, Nov. 1682, Bodl. Lib., Tanner MS 129, fo. 87.
100. D.R.O., B7/A3/1, pp. 2-9. A few presbyterians were among the forty-one (mostly Quakers) presented by the Grand Jury to the court-leet on 30 April 1683. B7/B1/10, pp. 184-5. Justices Jones and Andrews convicted fifteen Quaker conventiclers on 21 Oct. 1683. Most of these were again convicted and had goods distrained on 8 Nov. On 14 Jan. 1684 twenty-six Quakers were

- fined for non-attendance at church, a further nine on 1 Mar., nine on 6 June and thirty-five more on 15 June (in the above sources plus NQ1/A15, p. 16). Solomon Andrews was himself sympathetic to the presbyterians. In December 1669 he had been summoned to appear before the privy council for shielding Ames Short from arrest by the King's messenger, sent down to take him into custody in July. He was strongly rebuked, but pardoned. P.R.O., PC2/62, pp. 68, 81, 91-2.
101. Bishop of Bristol to Jenkins, 7 July 1683, SP29/427/117. Calamy, Nonconformist's Memorial, II, 139. The bishop's version was that the pulpit and seats at the Lyme meeting house were destroyed, but Calamy records that col. Strode exerted a moderating influence. Few arms were found in the town. D.R.O., B7/D2/1, Certificate of William Strode.
 102. Pole to Jenkins, 8 Oct. 1683, C.S.P.D. 1683-4, p. 20.
 103. None of Alford's previous or subsequent actions give any substance to these accusations. He had a consistent record of opposition to Short, and it was he who reported the news of Monmouth's landing to King James in 1685. B.L. Add. MS 41,803, fo. 292.
 104. Jenkins to Pole, 18 Oct., C.S.P.D. 1683-4, p. 43. Sir Courtney Pole lived at Shute, only eight miles from Lyme. It is possible that the Chancery suit which Alford brought against one Neville Pole in 1667 was responsible for the ill-feeling. P.R.O. C25/107/1 (Chancery Interrogatories).
 105. D.R.O., B7/A3/1, (pages at the back of the misdemeanour book), pp. 3-6. Calamy, Nonconformist's Memorial, II, 136.
 106. D.R.O., B7/A4/3. Robert Coad to Thomas Knapton, 15 Jan. 1684, B7/D2/1.
 107. D.R.O., B7/B1/10 (larger book), p. 361. Burrridge's victory was achieved despite the simultaneous influx of tory gentry into the body of freemen. These included Will Helyar, the Somerset J.P., Sir Courtenay Pole, and Anthony Floyer.
 108. SP44/70, pp. 93-6.
 109. The new charter made provision that the freemen be chosen by the mayor and corporation, and only Lyme men appear to have been selected. Among the nonconformists on the new list of freemen were Ferdinand Lacy, William Whetcombe, and John and Thomas Bowdidge. D.R.O., B7/B6/11, p. 35.
 110. D.R.O., B7/B1/10 (smaller book), p. 241.
 111. D.R.O., B7/A4/3, Warrant to the constables from Alford and Jones, 16 Jan. 1685. Unfortunately, two documents relating to

the conviction of a large number of dissenters in early 1685 were too badly damaged to examine.

112. B.L. Add. MS 41,803, fo. 292.
113. D.R.O., NQ1/A15, pp. 1-12. Bridport Quakers had not only suffered at the hands of those who supported the established church. In 1660 at a meeting in Lyme, they were disturbed and abused by Ames Short, p. 3.
114. D.R.O., NQ1/A15, p. 13. A writ of a *certiorari* was sued out in a superior court, stating either that justice has not been done in a lower court, or calling the case up to be heard in the higher court.
115. D.R.O., NQ1/A15, p. 15.
116. D.R.O., NQ1/A15, p. 16.
117. D.R.O., NQ1/A15, pp. 16-17. On 3 Nov. 1683 twelve Friends were imprisoned in the town gaol for attending a conventicle. On 17 Dec. eight more joined them.
118. D.R.O., NQ1/A15, p. 17.
119. D.R.O., NQ1/A15, p. 19.
120. Bond, a singularly unattractive fellow, was soon to receive his just deserts. In 1685 he attempted to suborn witnesses into testifying that a Bridport man owed him a large sum of money. Delighted to have Bond at their mercy, the town justices fined him, and he was forced to leave the town a pauper, moving to nearby Chardstock, from where he disturbed meetings over the border in Devon. Hunting a party of fugitive rebels, sometime after Monmouth's rebellion, he was ambushed in the woods around Hawkchurch and shot dead. D.R.O., NQ1/A15 p. 20.
121. For two recent short accounts of the following incidents see P. Earle, Monmouth's Rebels: the Road to Sedgemoor (London, 1977), pp. 14-15, and Clifton, Last Popular Rebellion, pp. 68-9. The town was economically depressed at this time, with a burgeoning population. Last Popular Rebellion, pp. 29-31.
122. C.S.P.D. 1682, pp. 36-7, 97-8.
123. Stawell to Rich. Newcourt, 9 April 1682, SP/29/418/183. Poles or St. Paul's was the large presbyterian meeting house in the town, which was symbolic of the strength of nonconformity in Taunton.
124. Jenkins to Lord Chief Justice North, 30 Mar. 1682, C.S.P.D. 1682, p. 145.

125. John Wyne to the Lord Keeper , 23 July 1683, SP29/429/175.
126. ? to Jenkins, 16 May 1682, SP29/419/21.
127. Clifton, Last Popular Rebellion, p. 68.
128. Timewell to Jenkins, 28 April and 22 Sept, C.S.P.D. Jan.-July 1683, p. 212; C.S.P.D. July-Sept. 1683, p. 415.
129. The inclusion of a hearth tax collector among Timewell's companions did not increase their popularity. C.S.P.D. Jan.-July 1683, p. 296.
130. Memorandum of Stephen Timewell, 14 May, SP29/424/62.
131. Jenkins to Timewell and Jenkins to Stawell, 24 May, SP44/68, pp. 270, 272.
132. Jenkins to Mews, 24 May, C.S.P.D. Jan.-July 1683, pp. 265-66.
133. Timewell to Stawell, 2 June, SP29/424/133.
134. SP29/424/133.
135. SP29/429/175.
136. Sir William Portman and Sir Francis Warre to Jenkins, 9 July; Jenkins to Portman, 12 July; Timewell to Jenkins 16 July, C.S.P.D. July-Sept. 1683, pp. 75-6, 107, 130.
137. SP29/429/175.
138. Timewell to Stawell, 4 Aug; Timewell to Jenkins, 11 Aug, SP29/430/37, 96.
139. SP29/430/37.
140. SP29/430/96.
141. SP29/430/96.
142. His takings had declined from £40 per week to only 40s. Timewell to Jenkins, [3] Sept., SP29/431/81.
143. Timewell to Jenkins, 22 Sept., SP29/432/89.
144. Portman to William Stoakes, 11 Aug., SP29/430/95. This commission is not recorded in the Crown docquet book, P.R.O, C231/8. I think Dr Clifton is mistaken in assuming that Portman was appointed recorder at this time. Portman specifically mentions receiving a commission, and being sworn in by Sir Francis Warre. For the recordership he would have received royal approbation and not a commission from the Lord Keeper. Further confusion is produced by the fact that the duke of

Somerset was appointed lord lieutenant of the county, so Portman was also awaiting a renewal of his deputy's commission. As the commission Portman mentions in his letter of 11 Aug. has clearly been sent down from the Lord Keeper, it was probably nothing to do with the lieutenancy, which was Somerset's responsibility. P.R.O. C231/8, p. 87. Jenkins to Somerset, July 16, C.S.P.D. July-Sept. 1683, p. 141. Clifton, Last Popular Rebellion, p. 70.

145. Timewell to Jenkins, Jan. 21 1684, SP29/436/57. Jenkins assured Timewell that the government knew all about Trenchard and was as prepared as ever to stick by its friends. Jenkins to Timewell, 29 Jan., C.S.P.D. 1683-4, p. 246.
146. Mews to Jenkins, 30 Jan. 1684, SP29/436/57.
147. Stawell to ?Jenkins, 20 April, B.L. Add. MS 41,803, fo. 71. P.R.O., C231/8, p. 102.
148. P.R.O., C231/8, p. 108.
149. At Bridgwater, the county militia under Stawell and Sir Francis Warre took full advantage of the plot scare to circumvent the opposition of the corporation to persecution. Stawell to Jenkins, 7 July, C.S.P.D. July-Sept. 1683, p. 60.
150. Miller 'The Crown and the Corporations', pp. 71-81.
151. Miller, 'The Crown and the Corporations', pp. 70-5, Coleby, 'Hampshire', p. 278.
152. Miller, 'The Crown and the Corporations', p. 74. Coleby, 'Hampshire', p. 278.
153. House of Commons, I, 380.
154. Mews had called for the alteration of Bristol's charter in the late 1670s, and again in 1680. He believed strongly that corporation government should be settled in the hands of those best affected to church and state. Mews to Henry Coventry, 12 Nov. 1677, 19 Nov. 1677, 11 April 1680. Coventry MSS, VII, fos. 128, 130, 202. C.S.P.D. 1679-80, p. 428.
155. C.S.P.D. 1682, p. 168.
156. John Packer to Jenkins, 16 Nov. 1682, SP29/421/83. Jenkins to Mews, 23 Nov., SP44/68, p. 182.
157. C.S.P.D. 1682, pp. 543-4.
158. J. Hellier to Jenkins, 8 June 1683, C.S.P.D. Jan.-July 1683, p. 305.
159. C.S.P.D. July-Sept. 1683, p. 395.

160. Hole to Packer, 14 Oct., SP29/433/99. Jenkins to Mews, 18 Oct, SP44/64, p. 125.
161. Jenkins to Mews, 3 Nov., SP44/64, p.131.
162. SP44/66, p. 310-2.
163. C.S.P.D. 1683-4, p. 131.
164. Fitzharding to Jenkins, 6 Dec. and 9 Dec., SP29/435/17, 32, 32I.
165. In fact before the Revolution of 1688, only one more January quarter sessions was held at Wells, that of 1686. S.R.O., Q/SO/7, fo. 451.
166. William Macy and Valentine Francis to Jenkins, Mar. 3 1683, SP29/422/122. Richard Sandys to Jenkins 3 July, SP29/427/34. C.S.P.D. Jan.-July 1683, p. 387.
167. Stawell to Jenkins, 18 June, C.S.P.D. Jan.-July 1683, p.322-3.
168. Stawell to Jenkins, 7 July, SP29/427/118.
169. Mews to Jenkins, 14 July, SP29/428/149.
170. C.S.P.D. July-Sept. 1683, pp. 245, 401, 416.
171. C.S.P.D. July-Sept. 1683, p. 440.
172. Stawell to Jenkins, 17 Sept., SP29/432/61,I,II. SP44/66, pp. 293-6. House of Commons, I, 372. The new charter was finally approved on 24 Nov. . C.S.P.D. 1683-4, p. 108.
173. SP29/421/173. Calamy, Nonconformist's Memorial, II, 145-7.
174. House of Commons, I, 218-9.
175. Account of *quo warranto* proceedings against Poole, 23 Jan. 1684, SP29/436/62. Justices and Grand Jury of Dorset to the King, 15 Jan. 1684, C.S.P.D. 1683-84, p. 215.
176. Sydenham, Poole, p. 203.
177. SP29/433/5. Anthony Ettrick, now steward to Peregrine Osborne, followed a succesful London legal career. In 1681-2 he headed the attack on Hardy, and in July 1683 was charged by Jenkins with investigating the Rye House Plot in Dorset. House of Commons, II, 276.
178. SP29/436/62.
179. Hutchins Dorset, I, 24. Sydenham, Poole, pp. 203-9.

180. P.R.O., C231/8, p. 105. Hutchins, Dorset, I, 24.
181. SP29/436/62.
182. W.R.O., G22/1/318D.
183. Dorchester, Weymouth, Taunton, and the small corporation of Ilchester whose charter was no doubt protected by the loyal Phelips family. It seems that Chard, whose charter had lapsed after the visit of the corporation commissioners, received a new charter on 29 June 1683. P.R.O., C66/3238.
184. Luttrell, Historical Relation, I, 302. Luttrell is wrong in dating the start of the process against Shaftesbury in March 1684.
185. Col. John Wyndham to Jenkins, 11 Nov. 1683, SP29/434/56. John Bowles to Thomas Strangways, 30 Jan. 1684, D.R.O., D124, Box 233, Correspondence of Thomas Strangways. SP44/66, pp. 364-5. The charter itself was issued on 10 April. P.R.O., C66/3244. It appears that the old charter itself was never actually surrendered. Tradition had it that the town clerk, Mr Atwell, secreted it and produced it again after the Revolution. However, the new charter was acted upon. The minute book (now perished) recorded that the new members of the corporation took the oaths on 24 April. Municipal Records of the Borough of Shaftesbury, ed. C.H. Mayo, pp. 13-14.
186. See Pythouse Papers, pp. 88-93.
187. Duke of Beaufort to earl of Sunderland, 20 Sept. 1684, C.S.P.D. 1684-5, pp. 151-2 (also quoted in House of Commons, I, 453).
188. C.S.P.D. 1684-5, p. 152.
189. Sunderland to Beaufort, 27 Sept., C.S.P.D. 1684-5, p. 156. C.S.P.D. 1685, pp. 64-5.
190. Chaffin and Napier were among the commissioners at Poole. The city's address detesting the plot was dated 27 July. W.R.O., G23/1/4, fos. 254v, 256, 257v, 258.
191. W.R.O., G23/1/4, fos. 264v, 265v.
192. W.R.O., G20/1/18. C.S.P.D. 1684-5, p. 267.
193. W.R.O., G20/1/18, 16 Aug. 1684. Sloper had opposed the sending of recorder Charles Danvers and John Kent to deliver the town's address abhorring the Rye House Plot.
194. W.R.O., G20/1/18.
195. Bath R.O., C.M.B. II, p. 862.

196. SP29/422/85, 85I; 423/105. Bath R.O., C.M.B. II, p. 871.
197. Bath R.O., C.M.B. II, p. 904. Sherston was part of the jury which presented a tory, Mr Moore, to the vexation of the mayor and justices. C.S.P.D. July-Sept. 1683, p. 153.
198. Bath R.O., C.M.B. II, p. 906.
199. 'Charters of the City of Bath', ed. P.R. James (unpublished, deposited in Bath R.O.), p. 177. SP44/335, p. 371.
200. Why Peter Mews' suggestions concerning the Taunton charter were not taken up is another mystery.
201. Wells, Bridgwater, Poole, Calne, Shaftesbury and Malmesbury.
202. The corporations affected were Salisbury, Bath, Devizes, Bridport, Lyme Regis and Wilton.
203. C.T.B., VII, 1346.
204. Miller 'The Crown and the Corporations', pp. 77-81. The timing of the surrenders in the west during the autumn of 1684 makes it unlikely that they were directly solicited by the assize judges.
205. Coleby, 'Hampshire', p. 278.

(iii) The Crown Revenue 1679-88.

The final section of this chapter is a brief survey of the progress made in the revenue services in the 1680s. For the sake of clarity the reign of James II (strictly outside the remit of this chapter) has been included, as the administration of the revenue, although not unaffected by political events, is more intelligible when studied in isolation from them. During these years, the consolidation of the advances made in the 1670s enabled the Crown to survive without any grants of extraordinary taxation. Relying on the hearth tax, the excise and the customs, which benefited greatly from the increase in the volume of trade, the Stuart monarchy avoided involvement in foreign wars, and at last achieved a measure of financial stability. The customs undoubtedly emerged as the key branch of the revenue. The service received far more attention from central government, even after the excise and hearth tax were returned to direct collection. This section will concentrate mainly upon the attempts of the Customs Commissioners to exploit the ever-expanding potential of the customs.

The excise, it appears, ran smoothly in the west, both in farm and under direct collection. The major administrative effort concerning the tax involved the discovery of old arrears, which in the three counties all dated back to before the Restoration. (1) John Bragg, the Dorset receiver general in

1649-50 still owed £583-18-1, while William Blisset had still not accounted for £1371-4-7 from the Wiltshire excise between September 1649 and December 1651. (2) The hearth tax continued to cause problems, although not on the same scale as in the previous two decades. In early 1683, the Treasury Lords wrote to the justices of Somerset and Devon ordering them to desist in the obstruction of the hearth money farmers. The J.P.s had been refusing to allow the farmers to make distrainments for newly discovered hearths until they were certified in the Exchequer. (3) Twenty years had not lessened the unpopularity of the tax, and the magistrates could still feel justified in withholding their co-operation from local collectors. Three justices were among the gentlemen in the Chippenham division of Wiltshire who wrote to the Treasury in March 1683, concerning George Brett, a collector, who was 'universally complained of for his illegal proceeding'. Their grievances were as follows:

1. He takes no notice of houses exempted by certificates and levies thereon for arrears as well as the present year.
2. He levies on persons whose chimneys are stopped up without enquiry, and where proof has been made that they were stopped up long before March 1662.
3. He distrains on persons for double duty under pretence of concealments if they have not told him the full number of hearths on first demand, though there have been no denial of his free surveying of the house.

These things are illegal, and we suppose he does not account for the considerable sums he raises thereby. (4)

A Calne gentleman, Thomas Swaddon, was found guilty at one of the Wiltshire assizes in 1685 of making false certificates

'to excuse several of the inhabitants from payment of hearth duty'. His punishment was severe. He was fined £1000 in King's Bench, gaoled until he paid, and also sentenced to stand at the pillory in three separate places. He was not discharged from this hefty fine until 1687, and in the meantime he had been forced to quit the town.(5) Swaddon's indictment was unusual, and it may have been engineered by political opponents in Calne. In September 1682, he had been removed as a burgess 'for several neglects destructive to the benefit and utility of the borough, and for divers other causes well known...'. (6) He was probably indulging in the common practice of abusing his position and powers for the benefit of his clients and supporters, a practice which, in relation to the hearth tax, was never stamped out. His conviction was more a result of faction in the town than of concern for the King's revenue.

Like obstruction to the tax, administrative problems did not entirely cease, and local farmers could still be slow to return their accounts to the Exchequer. In June 1683 the Somerset hearth tax accounts for the six months to Michaelmas 1681 had not yet been passed, and the farmers were ordered to bring in the collectors' books and abstracts. However, compared with the 1660s, such problems were rare.(7)

There were no further grants of extraordinary taxation by parliament, but the Treasury assumed a close interest in the outstanding arrears from the direct taxes of the 1660s and 1670s. In February 1681, the Tax Agents reported that the receiver of the six months tax (granted in 1678) for Somerset

was £3537-18-4 in arrear on his account. The commissioners for the tax were warned that unless speedy remission was made, proceedings would be opened against the county. (8) Two years later, the Treasury Lords ordered an investigation by the accounts commissioners at Brook House into the books of the receivers of the £70,000 militia tax of 1662-3. As we have seen, Sir Henry Coker, the Wiltshire sheriff of 1663, had been ordered to satisfy his unsettled account in 1677, but had managed to halt the process against him by means of petition. (9) Danby had advised that Coker be discharged, if it was within the King's power, but there is no record that this was done. (10) In the summer of 1679, after Danby's fall, a Treasury warrant was issued to the King's Remembrauncer to commence a process of *ad computandam* against the Wiltshire knight to recover 'the considerable sum...still in his hands'. (11) This too was unsuccessful, for when the accounts commissioners reported in June 1683, a great deal of money was still missing. The total charge was £5833-6-6. Of this sum, only £349 could be accounted for satisfactorily. Coker was directly responsible for £1944, and £2421 was still debited to the unauthorized receiver, Mr Burgess, who had died in 1669. A further £807 remained uncollected, and £309 was in the hands of the official receiver, Mr Levett. (12) Wiltshire was no exception. Large arrears were discovered in Somerset and Dorset. In Somerset, on a charge of £8166, £2051 was outstanding. (13) Dorset and Poole produced even more alarming figures. £2777 out of £3966 had not been disposed of to the

satisfaction of the auditors: the third month's assessment of £1311-10-6 had not even been collected. (14)

The Treasury Lords' insistence on accounting for the arrears of a twenty year old tax testifies to the tightening up of accounting procedure and accountability in the revenue service during the early 1680s. The above example supports Andrew Coleby's argument that centralization was essential to fiscal efficiency. (15) The militia tax was the only major levy of the Restoration period which was not centralized. It had been earmarked for the use of deputy lieutenants to reinforce the local militias during the crisis-torn years of the early 1660s. The Exchequer had seen very little of the tax, nor, it seems, had the deputy lieutenants.

The success of the customs service in the 1670s and 1680s was certainly a triumph for centralized management. The records of the Customs Commissioners allow the historian to follow in great detail the most important advances made by the revenue service during the reigns of Charles II and James II.

The increasing attention paid by the Customs Commissioners to the administration of the outports during the 1670s has already been noted. (16) Disputes with customs officials like the Pleys had forced the Commissioners to take a closer interest in the establishments of the Dorset coast. The corollary of a more stringently monitored customs service was the discovery of widespread evasion, and the increasingly organized and violent resistance from those who relied on smuggling for their livelihood. To combat the twin problems of

corruption and smuggling was no simple task, but the Commissioners tackled it with great vigour during the 1680s.

There were five customs establishments in Dorset and Somerset: Poole, Weymouth, Lyme Regis, Minehead, and Bridgwater. In 1679 these five establishments employed forty-four officers at a total annual cost of £800. (17) Despite the upheavals caused by the defaulting Pleys, there had been few changes in the establishments during the 1670s. Since 1673 only four extra officers had been employed, and the wage bill had actually been reduced from £859. Half the officers of 1673 were in the same posts at Christmas 1679. Few of the rest had been dismissed; resignations and the extraordinarily high death-rate among customs men accounted for most of the personnel changes. (18) After 1679 the story was very different. At midsummer 1681 there were only twenty-seven customs men in the establishments who had been on the pay-roll at the end of 1679. (19) As few as twenty officers retained their posts between midsummer 1681 and Christmas 1682. Only thirteen survived the changes of these three years, despite the fact that the total size of the establishments had been increased to fifty-two. (20)

Twenty-three of the thirty-one who had lost their places had been dismissed. (21) These alterations were possible because the Customs Commissioners were now well informed as to the behaviour of their officials in the outports. The special commissioners investigating abuses at Lyme and Poole during 1678-9 had liased with riding surveyor Sansom from London; and

from 1680 to 1685 not a year passed without the visit of at least one high-ranking official from the Custom House to the ports of the west.(22) The most active of these officials was William Culliford, who came from a Dorset family, and was probably responsible for the placement of three of his relatives in the service during the 1680s.(23) Culliford compiled a report on Weymouth and Poole in 1680, carried out a survey of the coast between Bristol and Barnstaple in the nine months from December 1681, and followed this up with a tour of the establishments between Poole and Land's End.(24) John Penhalurick, collector of Poole, remembered that between July 1682 and March 1684 his port had been visited twice by Culliford, once by Commissioner Sir Richard Temple, and once by another Commissioner, Giles Lytcott. (25)

The general surveyors' recommendations for the dismissal of officials were sent to the Commissioners in London, and there acted upon. During 1679 and 1680 miscreants were given the opportunity to atone for their sins. Henry Jubber, surveyor of Poole port, was found guilty of corruption, but was continued in his employ because he had since made 'discoveries and promises'. Jubber mistook this leniency for negligence, resumed taking bribes, and was summarily dismissed.(26) After 1680 considerably less margin was given for dishonesty or inefficiency, indeed several officials were dismissed on very flimsy evidence. One such was Penhalurick. He complained bitterly that his displacement was inexplicable.(27)

Some officers were removed on political grounds during

1682 and 1683. Henry Flory, the Lyme surveyor, was dismissed for speaking against the duke of York, despite a certificate from the corporation of the town in his favour. (28) At Bridgwater there was an acrimonious tussle over the post of comptroller of petty customs. Humphrey Steer had held the office since 1669, but in 1683 he was dismissed for corrupt practices and replaced by Thomas Venn. (29) Steer must have petitioned the Treasury Lords for a fair hearing because, Venn's patent was withheld and a full enquiry ordered in May. (30) The evidence of Daniel Yates, a tidesman in the port turned the case against Steer. Yates alleged that during the 1681 elections Steer had coerced him into voting for the whig John Malet with the threat of dismissal. The tidesman also accused the comptroller of involvement in the smuggling of £800 worth of goods, and of running an unspecified amount of linen and wine. (31) Venn was a captain in the militia regiment of Colonel Ralph Stawell, the defeated tory candidate at Bridgwater, and an ardent loyalist. (32) Whatever the truth behind Yates' smuggling allegations, the main reason for Steer's dismissal was his political allegiance to Sir John Malet and his active opposition to Stawell within the town. (33)

There was another spate of dismissals in 1684-5, when eighteen officers were displaced. (34) Once more, Poole suffered heavily, accounting for seven of these. Only two men were dismissed in 1686, but the total rose to fourteen during 1687-8. (35) It is impossible to say how many of these removals were on political grounds, or how many of the fourteen were

replaced by catholics. The tory Venn and two other officers were ousted at Bridgwater, but this was the result of the discovery of more large frauds in the port. (36) Captain Alford's toryism may have lost him his post as surveyor of the coasts of Hampshire, Dorset and Devon. This position, however, was an annual appointment, and as Alford was not replaced, was probably axed as an economy measure. (37) Whigs willing to collaborate, in the persons of Robert Steer and Henry Flory, failed to obtain posts at Bridgwater and Lyme, but at least one catholic, Henry Browne, was appointed (to the surveyorship of Lyme). (38) There may have been others, but familiar Anglicans like Lawrence Culliford were certainly placed in senior positions. With the exception of Bridgwater, where the fraud investigations led to the dismissal or removal of all five officers established at Lady Day 1686, 1688 was not a year of dramatic change for the personnel of the western ports. (39)

Outright dismissal was not the only method the Commissioners used to keep their employees under control. During the 1680s it became common practice to move officials from one establishment to another in order to prevent them becoming too familiar with the local merchants. (40) Outsiders such as John Penhalurick from Falmouth moved into the area, while in the space of four years Thomas Wolstenholme was riding surveyor between Lyme and Weymouth, of Rye, Hastings and Dover, and patent collector at Minehead. (41)

The careful monitoring of officials was but one result of the Commissioners' closer supervision of customs

administration. The expansion of the establishments and their adaptation to meet local needs, in accordance with the general surveyors' reports, was just as important. Overall, the number of officials in the five ports rose from forty-four in 1679, to fifty-eight in 1688. Even more striking was the rise in the wage bill and allowances from £796 to £1880 *per annum*.⁽⁴²⁾ The increasing revenues from the duties produced a larger better paid service. Wage rises made sound sense: the higher paid an official, the less inclined he would be to profit illegally from his job.

From 1679, the Commissioners responded impressively to the information they received from each area. In that year commissioners were appointed to seize uncustomed goods on the Isle of Purbeck and along the coast from Minehead to Bridgwater. There followed a series of such temporary appointments, usually lasting six months.⁽⁴³⁾ They were outside the normal structure of the customs establishments, and so were less subject to the manipulation of corrupt superiors. The two most effective holders of these temporary commissions were Benjamin Herne and Joseph Dawson, who both operated in the countryside around Salisbury and Poole. In their search for hidden linen, wine, and brandy, they took the fight against smuggling far inland. Dawson uncovered damning evidence against a Poole landwaiter, Ben Dewy. Herne spent nights watching the roads from the coast, and in July 1680 was allowed 6s 8d a day to maintain a horse.⁽⁴⁴⁾ In 1681 he was elevated to the status of Dorset surveyor, and was responsible for the

dismissal of the Poole collector, Thomas Tannat. (45)

By 1681 the full scale of the smuggling problem was beginning to emerge from the reports of William Culliford. The deputy searcher at Weymouth was promoted to tidesurveyor and placed in command of six boatmen 'to prevent the frequent smuggling on that coast'. (46) Two months later, Gregory Alford was appointed, for the first time, as surveyor of the entire coastline of Hampshire, Dorset, and Devon, at a salary of £250. (47) Alford, the Lyme Regis persecutor of dissenters, boasted an intimate knowledge of all the ports and creeks in the three counties, and this must have stood him in good stead. The Commissioners were pleased with his work, and re-appointed him for the following year. (48) In 1682 a waite and searcher was established at Portland, which Culliford thought essential to the service, and a boatman was provided at Studland on the Isle of Purbeck. (49)

In the following years numerous improvements were made. A further boat was stationed at Swanage, and the Poole smack was transferred to Rye, being replaced by a smaller, more manoeuvrable craft. (50) 1684 saw the establishment of Thomas Parris as a landwaiter at Salisbury, under the jurisdiction of the collector at Poole; a necessary move in view of Herne's discoveries in 1680. (51) Major reviews of all three Dorset ports were carried out in 1686, and the alterations to the establishments continued until October 1688. (52) The need for improvement was still balanced with that for economy: the Commissioners took every opportunity to reduce outgoings. (53)

Some excessive salaries were cut, and officers deprived of allowances for a horse, where this was thought unnecessary.

Enthusiasm for the results of this admirable overhaul of the service must be tempered with caution. While it enabled the revenue to benefit more fully from the increase in legitimate trade, it is impossible to say whether evasion of customs duties was significantly reduced. From Exmoor to the Dorset coves, and from the tidal flats of Bridgwater to the village ponds of south Wiltshire, smuggling was not only a way of life, but a much enjoyed recreation. The proscription of French goods, between 1678 and 1681, probably did more to encourage the growth of smuggling than the strengthening of the customs service did to deter it. The customs man was a hated interloper. In a small port where he was isolated and vulnerable to the threat of physical violence, the temptation to connive at the smugglers must have been great. This was especially so if he was in receipt of an irregularly paid salary, and on bad terms with the customer of the parent port: such was the case with William Dashwood at Watchet. (54)

Touring the north Somerset coast in the spring of 1682, William Culliford discovered that the running of contraband goods around Watchet was rife. So rife was it, that as a result the little port now had 'as great an overseas trade as Minehead'. Several small boats there had no other business but running goods. In short, the prosperity of the town rested on illicit trade. All evidence of smuggling was cleared well in advance of Culliford's arrival, but an informant stepped

forward. Although Dashwood had instructed his assistant, Thomas Perry, to swear that 'he was the very devil of strictness', the subordinate broke his word. He revealed that Dashwood was usually to be seen 'sat drinking with the masters of ships, while gangs of men were unloading them'.⁽⁵⁵⁾ Culliford's report led to the dismissal of Dashwood in November 1682, but the problem for the customs lay deeper than the speculation of one official.⁽⁵⁶⁾ The report made it clear that the whole town was involved in smuggling, and was supported in these activities by Sir William Wyndham, its moderate tory landlord, who had more than a philanthropic interest in the port's prosperity. This is the only explicit reference to the involvement of a major justice in smuggling, but it would be surprising if Watchet was unique.⁽⁵⁷⁾ There was a limit to what a small establishment could achieve in the face of such overwhelming local opposition.

Outbreaks of violence against customs men were quite common, especially at the time of the French prohibition. Benjamin Herne regularly faced physical danger, in his capacity as a commissioner for uncustomed goods in 1680. He had discovered that there were many landings of contraband between Poole and Lymington in Hampshire, and some waggoners had set up 'wholly for the purpose'.⁽⁵⁹⁾ Following their trail he discovered £300 worth of French linen concealed in a house at Salisbury. This he promptly confiscated. The reaction of the 'country people' was decisive. The customs officials were stoned, the cloth was re-possessed and then shared out amongst

the rioters. This happened in the presence of the mayor, who made no attempt to interrupt the proceedings, or give the officers any assistance, although the disturbance lasted for several hours. (60) In 1678 at Lyme the roles of customs official and mayor had been very different. The store of the surveyor Henry Flory was raided one night, and a large crowd began the re-possession of pells, or rolls of canvass, from his custody. Flory realised the futility of putting up any resistance, and calmly looked on as the rioters completed their task. *The mayor was incensed by the surveyor's equanimity*, impotently fuming at the damage done to the King's service, but Flory's grasp of the realities of his position was surely the keener. (61)

To eliminate smuggling was beyond the powers of the seventeenth century English state. To capitalize on the swelling volume of legitimate trade was not; and this was done to great effect in the 1680s. The revenue service as a whole was the success story of the decade. *This statement should not go unaccompanied by a caveat.* There were no grants of extraordinary taxation between 1678 and 1688; the customs by its very nature was easier to administer than a subsidy (or for that matter the hearth tax); and the demands of central government upon the pockets of the subject were less onerous than at any time since before the Civil War, while the economy was flourishing. Nevertheless, the efficiency of centralized revenue collection had undoubtedly made great strides since the disastrous days of the 1660s.

Footnotes to II, (iii): The Crown Revenue 1679-88.

1. P.R.O., T27/7/1.
2. C.T.B., VII, 522, 526. There was still the odd problem with excise officials. A Mr Upton, an excise officer at Bridport was dismissed, with apologies to a local justice: 'no officer shall be employed in the office, who shall not behave himself with all due respect to yourself in the particular, and to all the justices. Francis Cary to Thomas Strangways, 4 Dec. 1684, D.R.O., D124, Box 233, Correspondence of T.S.
3. P.R.O., T27/7/85.
4. P.R.O., T27/7/121.
5. P.R.O., T52/12/4-5. SP44/71/279.
6. W.R.O., G18/1/1, fo. 489v.
7. C.T.B., VII, 808. A letter from Lord Treasurer Rochester, dated 27 Feb. 1686, complaining of the obstruction of the hearth tax by justices in certain counties, is contained in S.R.O., Q/SO/7, fos. 517-9.
8. C.T.B., VII, 22. The agents made similar reports of arrears from fourteen other counties. P.R.O., T27/6/169-70.
9. See above p. 64.
10. C.T.B., V, 1343-4; VI, 552.
11. C.T.B., VI, 86.
12. C.T.B., VII, 825.
13. C.T.B., VII, 829.
14. C.T.B., VII, 818.
15. Coleby 'Hampshire', pp. 82-7.
16. Particularly important were the special commissions to investigate smuggling issued for Poole in December 1677, and for Lyme Regis in September 1678. These commissions comprised local customs officials and members of the gentry. C.T.B., V, 828, 1093, 1109.
17. P.R.O., CUST 18/3, pp. 15-16, 21-2.
18. P.R.O., Leeds Papers, PRO 30/32/15, pp. 17-18, 22-3.
19. P.R.O., CUST 18/9, pp. 15-16, 21.

20. P.R.O., CUST 18/15, pp. 15-16, 22.
21. For removal of officers in the ports of Dorset and Somerset between 1679 and 1682, C.T.B., V, 1211, 1218, 1230, 1304; VI, 97, 98, 193, 612, 658, 710; VII, 58, 74, 230, 450, 533, 566, 594, 603, 608, 614, 620, 629.
22. C.T.B., VII, 42, 283, 323, 715, 875, 968; VIII, 429.
23. The Culliford family was from Encombe on the Isle of Purbeck. William was a Customs Commissioner in 1688, by which time his brother Robert was comptroller at Southampton; Nicholas was made riding surveyor at Lulworth (covering Weymouth to Poole) in 1682; and Lawrence was appointed riding surveyor on the Somerset coast in 1684. P.R.O., CUST 18/22, 25. C.T.B., VII, 450, 1324.
24. P.R.O., T4/2/69-70. C.T.B., VII, 323.
25. C.T.B., VII, 1405.
26. C.T.B., VI, 98.
27. C.T.B., 1405.
28. C.T.B., VII, 339, 353, 369, 594, 603. D.R.O., B7/A4/3, Certificate of Lyme corporation on behalf of Flory, dated 19 Dec. 1681.
29. P.R.O., T52/9/132.
30. C.T.B., VII, 778.
31. SP29/425/183.
32. For Thomas Venn see above p. 255, and below, p. 378.
33. C.T.B., VII, 902.
34. Personnel changes 1684-5, C.T.B., VII, 1128, 1149, 1276, 1398, 1476, 1481; VIII, 64, 136-7, 203, 267, 307, 370, 429.
35. C.T.B., VIII, 533, 622, 1250, 1765, 1792, 1827, 1927-8, 2108.
36. C.T.B., VIII, 1569, 1765, 1792.
37. The post was worth the considerable sum of £250 p.a. C.T.B., VII, 198; VIII, 1874.
38. C.T.B., VIII, 1664, 2106.
39. Of fifty-four customs officials in the establishments of Dorset and Somerset at Lady Day 1686, thirty-two still held the same posts in July 1688. P.R.O., CUST 18/22, 25.

40. C.T.B., VII, 553, 810, 1149, 1276, 1481; VIII, 203.
41. C.T.B., VII, 1149. P.R.O., CUST 18/15, 22.
42. P.R.O., CUST 18/3, 22.
43. C.T.B., V, 1211; VI, 97; VII, 292.
44. Dawson is recorded as making searches all over 'moonraker' country, at Fisherton Anger, Whiteparish, Wilton, Salisbury, Wimborne, and Poole. C.T.B., VI, 534, 618.
45. C.T.B., VI, 32-3, 415; VII, 74.
46. P.R.O., T11/5/324.
47. C.T.B., VII, 198.
48. C.T.B., VII, 553; VIII, 1874.
49. C.T.B., VII, 439, 620. P.R.O., CUST 18/15, p. 16.
Oliver Lawrence from nearby Tyneham was appointed in October 1682.
50. C.T.B., VII, 715, 875.
51. C.T.B., VII, 1481.
52. C.T.B., VIII, 730-1, 2006. P.R.O., CUST 18/25.
53. C.T.B., VII, 553; VIII, 429.
54. C.T.B., VII, 7.
55. A.L. Wedlake, A History of Watchet (Dulverton, 1973), pp.70-2.
56. C.T.B., VII, 629.
57. Wedlake, Watchet, p. 72.
58. Dashwood was replaced by Henry Westwood, not Perry, as Wedlake states. C.T.B., VII, 629.
59. C.T.B., VI, 687.
60. P.R.O., T27/6/87-8.
61. D.R.O., B7/A4/3, Quarter Sessions Roll 1660-85.

III

THE REIGN OF JAMES II

(i) Introduction: Monmouth's Rebellion

For almost 130 years the English had been taught by their governors to fear, despise, revile, and condemn roman catholics. During the Exclusion Crisis a successful whig propaganda campaign had reinforced the stereotype of popish rule, in the popular mind, to the point where it was equated with enslavement. In February 1685 a roman catholic succeeded to the throne. Four months later the deluded, vainglorious half-brother of the new king landed at Lyme Regis with an invasion force totalling eighty-two men. Within days nearly 3000 volunteers had flocked to his standard: Monmouth's rebellion had begun.

The rebellion itself has been exhaustively covered in numerous publications, and it is not my intention to detain the reader by adding to the long list of descriptive works.(1) This section will restrict itself to a discussion of the significance of the rebellion to the relationship between central and local government, to its wider political impact, and to its aftermath; while section (iv) will examine the effectiveness of the county militias during the rebellion.

The most recent research has convincingly demonstrated that the rebellion was not principally a response to the events of the Tory Reaction, in particular the persecution of dissent. (2) Dr Clifton argues (and we have no grounds to disagree with him) that the uprising revealed the innate strength of anti-catholicism

amongst the English. As far as the evidence allows, he shows that the majority of the rebels came from the towns and large villages within ten miles of the duke's march from Lyme to Taunton, and that although these were centres of dissent, few of the rebels from this area can be identified as nonconformists. No major gentry and only a handful of minor gentlemen were involved in the rising. Robin Clifton's view is that the rebels were drawn predominantly from the urban industrial classes (particularly those involved in the cloth trade), who had the least to lose from joining the duke, and who in many cases had a recent record of troublemaking: many in the region sympathized with Monmouth, but few had the conviction to eschew a prosperous and settled lifestyle for his cause. (3)

The Exclusion Crisis had made the leading gentry of the three counties more aware of the threat posed to their authority by religious dissent and populism, than fearful of popish absolutism. For them the rebellion seemed to portend disaster. The early deaths of gentlemen militia troopers at Bridport brought home to the landed men of the south-west the potential horror of the rising; but in spite of their fears, loyalty to the Crown was not rewarded by destruction of property by the rebels. Several incidents are recorded in Somerset, but the restraint of the rebels here was remarkable. The former whig, William Clarke of Sanford, wrote to his cousin in London that his house was searched by the rebels seven times in one day. All the food, drink, saddles and arms were taken, but although the gentleman was threatened that he would be made a usurer against his will, when he refused

to furnish any money, neither he nor his property was harmed. (4) The great houses of the west were not fired, nor, it seems, was much opportunity taken to pursue personal vendettas against the gentry. (5)

Monmouth landed with little money and few arms, so it is hardly surprising that some of the homes of the county gentry, which were known to harbour weapons and horses, were visited by rebel foraging parties. This was certainly the case at Sir William Portman's house at Orchard Portman, and Sir Ralph Stawell's at Ham. (6) It was also true at Longleat, whose new landlord, the high tory Viscount Weymouth was very unpopular with his employees and his tenants. As the rebel army fled westward, on the information of John Kid, former game-keeper at Longleat and now a captain under Monmouth's standard, the house was visited by rebel horsemen. They had with them an order (presumably for the confiscation of the little armoury on the estate), but had no more time than to avail themselves of some of the Weymouth claret before they were called away. (7) Considering the local unpopularity of the viscount, the fact that on this part of the Wiltshire/Somerset border feeling was running very high in support of the rising, and that the militia there was in total disarray, it is a wonder that the fears of Weymouth's steward that the house would be burnt down, and the estate plundered, were not realised. (8) By European standards, and by the standards of the later English Civil War, the discipline of Monmouth's hastily assembled army was admirable. The duke's strategy was to overawe James by attracting the support of the gentry, not to beat him

decisively in the field. When he realised that he had failed to win over the gentry he knew that he was doomed.(9)

The gentry may not have been the principal targets of the rebellion, but their response to it was uniformly hostile, and their relief on hearing the news from Sedgemoor was accompanied, on the part of some gentlemen, by the desire to manifest their loyalty by hunting down, with unsavoury zeal, those rebels who escaped from the carnage of the battlefield. (10) This was the final bloody act of the Tory Reaction in Somerset (principally) and Dorset (few Wiltshiremen were directly involved in the rising). Unfortunately most of the evidence concerning the activities of the local justices at this time, and their attitude to the Bloody Assizes comes from hostile sources.(11) We can be sure that the initial batch of eighty executions, ordered by judge Jeffreys in early September 1685, was regarded by the western gentry as a necessary punishment and an example to the countryside.(12) But we cannot know whether there was any enthusiasm for the second round of executions, ordered after Jeffreys had returned to London at the end of the month, which condemned another 239 prisoners to a gruesome death.(13)

The schedule sent to sheriff Edward Hobbes of Somerset, appointing the places of execution for 220 convicted rebels, is still a chilling document to read.(14) Thirty-three towns and villages were to play host to the executions.(15) These executions continued well into November, by which time the fears inspired by the rebellion must have abated. Their result was that, for the next year, all over Somerset heads and quarters, coated in

pitch and hung from gibbets, served as a grim reminder of the price of rebellion. The gentry of the west wished to preside over a well-ordered, loyal, and conformable country, not one populated at every turn by butchered, blackened corpses. Two powerful local Tories openly expressed their reservations about the severity of these executions. Thomas, earl of Ailesbury, a consistent adherent of James II, believed that the King had been counselled by those who did not have his best interests at heart. He also believed that instructing the sadistic colonel Percy Kirke and his 'Lambs' (the toughened Tangiers veterans) to accompany Jeffreys during the Bloody Assizes was a gross miscalculation. (16) Ralph, Lord Stawell, had no reason to be forgiving to the rebels. He was in the vanguard of the high Tories during the Reaction, and his estate had been subject to the privations of rebel soldiers. It is said, however, that he made his disgust at the slaughter known to Jeffreys, and that the judge's response was to order that the corpse of Philip Bovett (the Bovetts were prominent radicals in Somerset during the interregnum, and constantly under suspicion thereafter) be suspended in chains from the gates of Stawell's manor at Cothelstone near Wellington, as a rebuke. (17)

There is no question that central government blundered in its treatment of the convicted rebels. The 250 or so executions; the division of 850 prisoners, earmarked for transportation to the West Indies, among nine courtiers (some of them Catholics); and the well publicised ransoming of the 'Maids of Taunton', hardly constituted a propaganda coup. (18)

In January 1686 local justices were appointed commissioners

in all three counties 'to enquire...what persons...were most obnoxious to the government and actually in arms or (who) aided and abetted the duke in the rebellion and what real or personal estates they possessed'. (19) Although in March and April the commissioners held sessions at Lyme, Chard, and Taunton, at which the lands and tenements of several attainted rebels were 'seized', the gentry showed little enthusiasm for the task of settling these estates so that they yielded income to the Crown. (20) This job was entrusted to a much humbler set of commissioners, whose authority to take possession of premises, and arrange new contracts, extended over the whole of the west country. (21) The general reluctance to participate in this scheme, which produced negligible returns, is indicative of widespread disgust with the extent of the Court's desire to profit from retribution. (22)

The savagery of Jeffreys and Kirke's 'Lambs' did not prevent expressions of bitterness and resentment among the common people. In the spring of 1686 the corporation and the customs establishment at Bridgwater suffered verbal and legal attack from those who had been involved in the rebellion. (23) More serious were two major riots in the early summer of 1687. At Burnham Revel on 23 May a large group of local men was drawn together in a body by a former rebel and, proclaiming their loyalty to the duke of Monmouth, proceeded to attack those from the neighbouring village of Huntspill. (24) The violence was repeated at the Huntspill fair on 29 June. Over forty men from the villages of Mark, Burnham, and South Brent, descended on Huntspill with the intention of exacting revenge on the inhabitants of that village,

whom they knew to have been 'King's officers that were the men catchers' (those who had assisted in tracking down rebels in the surrounding villages). The outcome was a decisive defeat for Huntspill. Celebrating the victory of the old cause, one of the old rebels declared, with more foresight than he knew, that 'Holland had conquered France'. (25)

The gentry, by contrast, may have been sickened by the events following the Bloody Assizes, but their loyalty to the Crown was as yet unshaken. For an episode of such apparent importance, Monmouth's rebellion had very little effect on the relationship between the Crown and civil county government. The real damage was done in 1687 and 1688, when James succeeded in destroying the most secure political inheritance since Henry VIII's, because he simply did not understand the basis of the monarchy's strength.

Footnotes to III. (i) Introduction: Monmouth's Rebellion

1. After the recent gush of works which accompanied the tercentenary of the rebellion it is unlikely that the definitive work will be written for some time. By far the most useful book upon the subject is Clifton, Last Popular Rebellion. For an alternative view on the nature of the uprising see P. Earle, Monmouth's Rebels: the Road to Sedgemoor 1685 (London, 1977). Much original material is contained in B. Little, The Monmouth Episode (London, 1956).
2. Clifton, Last Popular Rebellion, pp. 272-4.
3. Earle, Monmouth's Rebels, argues that the rebellion was a rising of the godly which was characterized by a strong dissenting presence among the rebels. He gives more weight to the influence of the recent persecution of nonconformity than Dr Clifton, but is forced to admit that the direct evidence for the participation of dissenters is not particularly strong. For the support given to the rebels by the country people see B.L., Harl. MSS, 6845, fo. 286.
4. Will to Ed. Clarke, 29 July 1685, S.R.O., DD/SF/3109.
5. Dr Clifton is more impressed by the verbal hostility shown towards the gentry evidenced by a small number of recorded incidents (nearly all of which he cites), than by the lack of physical damage caused by the rebels. Clifton Last Popular Rebellion, pp. 176-7.
6. Thomas Allen to captain Piers, 20 June 1685, and Thomas Allen to Viscount Weymouth, 24 June 1685, Thynne MSS, XXII, fos. 172, 177v.
7. Allen to Weymouth, 4 July, Thynne MSS, XXII, fo. 189.
8. Thynne MSS, XXII, fo. 177v.
9. Clifton, Last Popular Rebellion, pp. 149-171.
10. Clifton, Last Popular Rebellion, p. 230. David Trim, county clerk of the peace for Somerset, was a particularly assiduous rebel-hunter. The March of William of Orange through Somerset, p. 39.
11. J. Whiting, Persecution Exposed. J. Coade, A Memorandum of the Wonderful Providences of God (London, 1849).
12. Clifton, Last Popular Rebellion, pp. 238-9. The execution of seventy-four rebels was ordered at the Dorchester Assize, but at the following sessions (Exeter, Taunton, and Wells) only half a dozen were executed.

13. Dr Clifton has estimated that about 170 of these were actually carried out. Last Popular Rebellion, p. 239.
14. B.L., Add. MSS, 15,663, fos. 273-4.
15. Bath (5), Phillips [Norton St Philip] (12), Frome (12), Bruton (3), Wincanton (6), Shepton Malet (12), Pensford (12), Wrington (3), Wells (8), Wiveliscombe (3), Chewton Mendip (2), Chard (12), Crewkerne (10), Yeovil (6), Nether Stowey (3), Dunster (3), Bridgwater (12), Dulverton (3), Somerton (7), Bristol (5), Wellington (3), South Petherton (3), Porlock (2), Glastonbury (6), Ilminster (12), Stogursey (2), Taunton (19), Langport (5), Cothelstone (2), Ilchester (12), Stogumber (9), Castle Cary (3), Milborne Port (13). The distribution of these executions is somewhat curious. It appears that they were intended to have a deterrent effect even in those areas which had produced few rebels. Why Wellington, which had provided over seventy soldiers for Monmouth's army, hosted three executions, while the Mendip village of Pensford, which appears not to have supplied any rebels, was allocated twelve executions, is a mystery. Nine of the thirty-three villages are not recorded as being the homes of any rebels. B.L., Add. MSS, 30, 077. Similarly gory details of the executions in southern Dorset during the first round of executions are printed in Moule, Weymouth, p. 85.
16. The Memoirs of Thomas, Earl of Ailesbury by Himself (Roxburghe Club, 1890), I, 122-3. The stories concerning Kirke are legion. The most notorious of these involved the colonel sleeping with a young woman in return for a promise to save her father, upon which he reneged the following day. Whether such tales bear literal truth is questionable, but they were occasioned by the undoubted sadism of Kirke and his men. To this day, the area of Taunton where Kirke's regiment was quartered during the assizes there is still named Tangier. It is also worth noting that no reigning British monarch visited Taunton, after James western tour of 1686, until Queen Elizabeth II in 1987.
17. This is another story which may be apocryphal, but accurately reflects the mood of the times. It seems that local tories who attempted to defend accused rebels received the sharp end of Jeffreys' tongue. The incident is quoted in A.L. Humphries, A History of Wellington (London, 1889), p. 100. A total of fourteen tory justices certified the loyalty of a minor gentleman, William Plumly of Lockinghead, in October 1685. Plumly had been convicted for supplying the rebels with a horse, and was condemned to be executed at Wells. Plumly's conviction was probably the result of his record in the Civil War and interregnum. When the rebels visited him he was sick in bed, and could put up no resistance. The intervention saved Plumly's life. B.L., Add. MSS, 15,663, fo. 274; 41,804, fo. 66. It appears, too, that the intercession of Viscount Fitzharding on behalf of the Strode family reduced

the punishment meted out to Edward and William. Green,
The March of William of Orange through Somerset, p. 40.

18. Clifton, Last Popular Rebellion, pp. 240-1. The case of the 'Maids of Taunton' was a sad one. These girls had presented the duke of Monmouth with some colours when he first entered the town in June 1685. Although Jeffreys did not consider this crime worthy of note, when central government discovered that the girls had wealthy parents, it was decreed that a royal pardon was necessary. The cost of the pardon was to be set by the Queen's Maids of Honour, who would reap the reward. The figure of £7,000 upon which they determined was too steep for the parents, and while they were forced to negotiate a reduced price, the girls remained in prison, where one of their number died.
19. Dorset: Sir Henry Butler, colonel Thomas Strangways, Thomas Erle, Richard Fownes, colonel Francis Mohun, and George Ryves.
Somerset: Sir Edward Wyndham, Sir Francis Warre, Francis Luttrell, Thomas Wyndham of Witham Friary, John Piggott, and John Hunt.
Wiltshire: John Wyndham, Richard Lewis, Thomas Lambert, Sir Richard Grobham Howe, Robert Hyde, and Francis Stonehouse.
C.T.B., VIII, 545-6.
20. C.T.B., VIII, 873.
21. One important addition was made to the new commission - Gregory Alford. The Lyme man had suffered great personal loss during the rebellion and had petitioned for some mark of royal favour in recompense. Whether he profited from his commission we do not know. C.T.B., VIII, 873, 1244, 1309.
22. Dr Clifton believes that the costs of administration were unlikely to have been covered by the income from forfeitures and rents. Clifton, Last Popular Rebellion, p. 242.
23. Earl of Sunderland to duke of Somerset, 29 May 1686, P.R.O., SP44/56, p. 336. C.T.B., VIII, 717, 744.
24. Burnham and Huntspill are located on the coastal levels a few miles to the north of Bridgwater.
25. The riot is recorded in two sources. The informations contained in S.R.O., Q/SR/169, fos. 1-12, were sent up to London and can be found in duplicate in B.L., Add. MSS, 41,804, fos. 295-306. Dr Clifton argues that the villages of the levels, with their long history of political activity and communal organisation, were more protective of their escaped rebels than was the case in other areas. To back this up, the returns of rebels by parish constables, recorded in B.L., Add. MSS, 30,077, do not include any names from Burnham,

Mark, or South Brent. This probably explains the animosity displayed toward the Huntspill men. Clifton, Last Popular Rebellion, pp. 249, 251.

(ii) The Commissions of the Peace 1685-88.

The regulation of the commissions of the peace which commenced in the autumn of 1686 was quite different, in scale and character, from that which had occurred in the early years of the Tory Reaction. Then, small numbers of opponents had been displaced from the commissions, and, except in Wiltshire, they had been replaced by small numbers of government supporters; but the essential character of the benches had not changed. In 1687-8 James and his Council recast the commissions using new material.(1) Of the locally resident justices in commission in October 1685, about ninety per-cent of those in Wiltshire, and eighty per-cent of those in Dorset and Somerset had been put out by the summer of 1688.(2) This dramatic purge of those who had supported the Crown through the Exclusion Crisis, suppressed opposition between 1681 and 1685, and remained loyal through Monmouth's rebellion, was James' supreme act of political folly.

(a) 1685-October 1686

The purges were far over the horizon when the first commissions of the reign were sealed and dispatched, fifteen days after the death of Charles. No changes were made in the lists of living justices, and the earl of Bristol and Viscounts Fitzharding and Weymouth were continued as *custodes rotulorum*.(3) Loyal addresses duly followed from the west country, signifying the region's relief at the smooth transfer of power.(4) The elections which took place in March and April were a triumph for the tories.(5) They emphasized the almost unanimous support of the

governing classes for the Stuart monarchy. This support was tested and proved during the rebellion of the 'Protestant Duke' in June and July. The exclusionists' claims that James would set out immediately to catholicize government seemed wild and unfounded. Before the rebellion only three alterations were made to the commissions of the west: the addition of Thomas Harris in Somerset and Wiltshire, and of John Gould in Dorset (neither of whom was a catholic). (6) Nor were substantial changes made after the rising had been put down. All three counties received new commissions in August, but these merely incorporated Jeffreys and his colleagues in preparation for the Bloody Assizes. (7)

The death of Lord Keeper Guildford and the elevation of Jeffreys to the Lord Chancellorship in September 1685 was, similarly, not the occasion of a major revision in the commissions of the peace. No commission was issued for Somerset in 1686. The failure to record the minor alterations made at the start of the year in Dorset and Wiltshire in his *liber pacis* also suggests that the commissions were not a matter of great interest to the Chancellor at this time. (8) In Wiltshire two additions were made. The first of these was Francis Hill, who had been put off the commission in 1684, but was obviously back in favour, for he was made a freeman of Salisbury at about the same time. The other was George Willoughby, who had recently inherited land in the county. The fact that Willoughby's father, a Portugal merchant, was a catholic, may have influenced his inclusion, but there is no evidence to suggest that Willoughby himself was a catholic, as neither he nor Hill survived the purges of the following

months.(9) More significant for the future was the commissioning of John Fitch and Sir John Morton in Dorset. Morton, once a pugilistic exclusionist, and first victim of the Tory Reaction on the Dorset bench, must have reconciled himself to James. Both survived the purges.(10) But by the summer of 1686 it was still far from obvious to the working justices that great change was on the way. In and out of sessions, the fifteen or twenty justices, who formed the administrative core of each of the three counties, were active much as they had been for the past five years.(11)

(b) The First Regulation: February 1687.

The first hint of change was the appointment, in July 1686, of four catholic privy councillors.(12) One of the new councillors was the Wiltshire peer, Lord Arundel of Wardour. Arundel was among twelve councillors appointed to a committee for altering the commissions of the peace set up on 22 October. Also on this committee were Lord Chancellor Jeffreys and the Chancellor of the Exchequer, Sir John Ernle. Jeffreys had very recent experience of the western magistracy, and Ernle, from Blunsdon in Wiltshire, had been a justice in his native shire since 1660. (13) No evidence survives on the way this committee operated in recommending changes for the western commissions, but the strong Wiltshire presence was reflected when the alterations were eventually made. Not until the council meeting of 17 December were lists of those to be added or removed drawn up. (14) In England and Wales 498 new justices were to be commissioned and 245 to be dismissed. (15) The ratio in the three counties was not representative: seventeen were to be appointed and seventeen

dismissed. The Dorset commission, which had suffered least in the Tory Reaction, lost only Richard Broadrepp and William Strode of Parnham. Both had been added to the commission in February 1680 as opponents of exclusion, but Broadrepp had opposed a tory candidate at Bridport in 1685. His dismissal may have been the result of misinformation, for he appeared on the revised list of the Dorset commission in the summer of 1688.(16)

Seven justices were to be removed from the Somerset commission. Heading the list was the moderate tory Sir Thomas Earle. His defence of the Bristol charter in 1683 may have cost him his place. He had opposed exclusion and, despite his toryism, was a proponent of religious toleration.(17) John Harrington, whose rumoured dismissal from the bench in 1683 had provoked the intervention of Viscount Fitzharding on his behalf, was another moderate tory to lose his place.(18) Harry Bridges of Wells (son of Sir Thomas), Henry Walrond of Isle Brewers and George Clarke of Swanswick, near Bath, were all vehement tories. As none of them had displayed sympathy for any kind of religious toleration, their dismissal is more understandable than Earle's or Harrington's. We know less about the other two justices displaced, Henry Lyte of Castle Cary, and Thomas Harris, who had been appointed as recently as May 1685.(19) The Somerset purge was not well researched. In four cases opposition was incorrectly anticipated. Henry Walrond was back on the commission in April 1687, while Harrington, Bridges and Clarke all appeared on Lord Waldegrave's list of those to be added to the commission in December of the same year (although Clarke did not appear on the revised list in the summer

of 1688). (20)

Only in Wiltshire, where the committee's local knowledge was much stronger, was none of the dismissals reversed. Three knights lost their places: Sir Thomas Earle, Sir Giles Hungerford, son of a prominent exclusionist who had died in 1685, and Sir Matthew Andrews. Andrews was a tory newcomer, whose seat at Mere was just a few miles from the catholic Lord Stourton's estate at Stourhead. (21) Perhaps there was a local explanation for his removal, as he asked the Lord Chief Justice what he had done to offend His Majesty. (The King's electoral agents were confident of Andrews as a loyal candidate for Shaftesbury in April, although, by September, they considered him doubtful). (22) The whig trimmers Thomas Bennet and Alexander Thistlethwaite were also dismissed. Both had survived the Tory Reaction despite voting for exclusion in parliament. (23) Of the other three removals less is known. Benjamin Gifford was one of the tories added to the commission in February 1680, but he is not recorded as ever attending a quarter sessions. The same is true for Giles Lidcot and Richard Franklin. Lidcot was in the commission by 1683, and Franklin by October 1685. (24) Even in Wiltshire the purge seems arbitrary and confused. Indeed, there is no support in any of the three counties for Lionel Glassey's suggestion that senior and important members of the benches were displaced to serve as a warning to those contemplating opposition. (25)

Those who were to be inserted in the new commissions conformed almost exactly to the national pattern. John Miller has estimated that sixty-four per-cent of the new justices were

catholics. In the three counties catholics comprised eleven of the seventeen appointments (64.7%). But here the neatness ends. There were simply not enough catholic gentry of sufficient status in the region to create a large group of active justices. Although catholics accounted for eleven of the seventeen proposed additions, Sir John Webb, of Canford Dorset, was placed on the Dorset and Wiltshire commissions, and George Hussey of Marnhull, near Shaftesbury, was put on the commissions of all three counties. (26) Out of a total of around 160 locally resident J.P.s in the region, only eight were to be catholics. The inclusion of the new justices, like the dismissals, seems rushed. George Hussey was prominent enough to be named on three commissions, yet the committee was ignorant of his christian name; as they were for three of the other new justices, including two men who had previously served on the commission, Neville Maskelyn and John Scroop. (27)

The proposals of the committee, however haphazard, are incontrovertible. The same cannot be said for the implementation of these proposals; for here the evidence begins to fail. Only for Somerset does a commission survive from early 1687, so it is impossible to be certain how fully the changes recorded in the Council Register were carried out. (28) Beyond the stage of sealing the new commissions, there are yet further difficulties in deciding who was actually a qualified and commissioned justice in 1687.

After the regulators had presented their lists on 17 December, there was a delay of two months before commissions were

dispatched to the provinces. The cause of this delay has never been explained, but it is conceivable that more changes were being contemplated. The Somerset commission of 22 February warns that the December lists cannot be taken as an exact guide to the alterations. All those listed to be displaced on the Council list were duly removed, but so too was Stephen Timewell, the notorious persecutor and ex-mayor of Taunton.(29) William Clarke, the hapless whig candidate at Bridgwater in 1679, who had been removed in February 1680, was added to the ranks of those included in the commission.(30) It is reasonable to suppose that there were similar minor alterations made to the lists for Dorset and Wiltshire.

More important in deciding who was a qualified justice in 1687 than possible minor changes to the December lists, were the legal obstacles that confronted the commissioning of catholic magistrates. The Tests were still in operation, and so all justices were required to take the prescribed oaths and produce a certificate from their parish minister, attesting that they had received the Anglican sacraments, in accordance with the 1673 Act. James counted on the catholic gentry complying with these stipulations, but it seems that they scrupled otherwise, and generally refused to submit to the Test.(31) The King's response was to issue a new set of commissions in April and June, exempting justices from taking the oaths and from the sacramental qualification.(32) This was not the sum of the difficulties which plagued the regulation. It became apparent in early 1688 that the justices newly commissioned in the spring of 1687 might, as yet,

be incapable of carrying out their duties. In April 1688 Henry Barker, clerk of the Crown in chancery, was dismissed for not issuing the writs of *dedimus potestatem* (necessary for the swearing of new justices) for 'certain counties'.(33) Unfortunately, it is not clear whether the western counties were involved in Barker's culpable omission.

The quarter sessions records from the three counties can show which justices were active in the months following the regulation, and make it possible to assess its impact on county government.(34) In Somerset the first sessions after the regulation was held at Ilchester on 5 April. The *custos*, Viscount Fitzharding, and the usual chairman, Sir Edward Phelips, attended, as did a solid contingent of Churchmen: Ralph, Lord Stawell, Edward Berkeley, George Horner of Mells, Thomas Wyndham, John Hunt, John Sandford, and Richard Crosse. The presence of the catholic Thomas Littleton suggests that Somerset was not among the counties which had not received *dedimuses*. Littleton also appeared at the midsummer sessions but not at Michaelmas, nor the stormy Epiphany sessions of 1688. No other catholic justice sat in sessions before April 1688. (35)

The first catholic Dorset J.P. to attend a quarter sessions was George Penne, of Toller Welme, who made the short journey to Bridport in October 1687, but his colleagues George Hussey, of Marnhull, and Sir John Webb, of Canford, had already been active out of sessions.(36) Even before he had been officially commissioned, Webb was named to a delegation of local justices nominated to oversee the repair of a bridge in east Dorset, and

Hussey was allocated a similar duty at the April sessions. (37) No catholics attended the January 1688 court, but an appeal against an order made by George Penne shows that at least he was still active. (38)

The regulation was dramatically less successful in Wiltshire, despite the local interest of the committee. There was a large turn-out of justices at the Easter sessions of 1687, but none of the newly commissioned J.P.s was among the seventeen who attended. Thomas Bennet, who is thought to have been omitted, did sit, however. It seems that little administrative business was conducted at the sessions (only five orders were made), so it is likely that news of the proposed regulation was the reason for the large attendance. (It is worth noting that only four of these seventeen justices survived the second regulation) Bennet was present again at Marlborough (his home sessions) in early October, and at the Easter sessions of 1688 (he had regularly attended these two sessions since the early 1670s). Another of those justices excluded by the regulators, the other whig trimmer Alexander Thistlethwaite, attended his home sessions at Salisbury in January 1688. This faces us with a choice: either that the first regulation did not come into effect in Wiltshire, or that Bennet and Thistlethwaite were exempted from the original list of omissions. None of the six justices scheduled to be omitted with Bennet and Thistlethwaite had previously attended a sessions, so their continued absence from the records does not help us either way. More significant is the fact that none of the additions in the December list sat at a sessions, or has left any trace of

activity out of sessions before Easter 1688.(39) In the light of this evidence it is possible either that the February commission of the peace did not take effect in the shire, or that Wiltshire was among those counties which did not receive *dedimuses* in 1687. Further evidence that the proposed changes had not been effected comes from the report of Lord Yarmouth, the co-lord lieutenant of the county, presented to the privy council in the late spring of 1688.(40) Yarmouth listed amongst those catholics fit to be added to the commission of the peace Sir John Webb and Mr Scroop, who should have been in commission for over a year. He only named one catholic as a current justice, and he, Francis Moore, was not mentioned in the list of December 1686. If those on the list were among the five or six 'who dwelt constantly at London', they can hardly have had a profound influence on the government of the county. Another curiosity is that the regulator's list of June 1688 contained only three of the eight men nominated in December 1686.(41)

Piecing together this litany of mismanagement we can only conclude that the premise for many of the alterations was wrong, and that the execution of the regulation was bungled. Whatever the final details of the February commissions, it is clear that their effect on county administration was negligible. Lionel Glassey's 'pattern of tidy national regulation prevailing in 1687' appears, on closer examination, to be a disordered mess.(42) Where the government's knowledge was the greatest, was the greatest confusion.

(c) The Three Questions and the Regulation of 1688.

The first regulation was an unqualified failure. It failed to insert a significant number of catholic justices or supporters of toleration into active roles in provincial government. It also failed to overawe the tory gentry, who continued to dominate the county benches. James' problem was simple. The exercising of the royal powers of dispensation and the issuing of the Declaration of Indulgence in May 1687 were unsatisfactory and impermanent means of securing religious toleration for catholics. The King wanted the repeal of the penal and disqualificatory statutes to free him from the charge of constitutional impropriety. To do this he needed a compliant parliament, which in the present political climate could only be obtained by electoral manipulation. A prerequisite of a successful campaign at the polls was the removal of all opponents from county and municipal office: this necessity gave birth to the Three Questions.

The Three Questions were to be put by the lords lieutenant of every county in England and Wales to each justice and deputy lieutenant within their shire. The returns of the lords lieutenant, listing the individual replies, would provide central government with an opinion poll of the provincial ruling classes, and form the basis of a major revision of the commissions of the peace, based on hard evidence rather than hearsay or local prejudice. The opponents of catholicization and of toleration were to be smoked out. Political inactivity and evasion may have steered a J.P. safely through the Exclusion Crisis, but they would not avail him now. (43)

The famous questions posed by the lords lieutenant were as follows:

1. If in case he shall be chosen Knt of the shire or Burgess of a town, when the King shall think fit to call a Parliament, whether he will be for taking off the Penal Laws and Tests.
2. Whether he will assist and contribute to the election of such members as shall be for taking off the Penal Laws and Tests.
3. Whether he will support His Majesty's declaration for liberty of conscience by living friendly with those of all persuasions as subjects of the same Prince, as good Christians ought to do. (44)

The deeper purpose of these questions was never explicitly stated, but was revealed by the accompanying instructions to the lords lieutenant to draw up lists of catholics and protestant dissenters fit to be added to the commissions of the peace. This made it apparent that James intended to base local government on a coalition of Anglicans who would support toleration, catholics, and protestant dissenters, whose support he had courted with the Declaration of Indulgence issued in May 1687: the balance of this coalition would be determined by the response to the Three Questions.

The lords lieutenant received their instructions in late October 1687, and the privy council anxiously awaited their returns. (45) Of the men who posed the questions, only the earl of Bristol, the lord lieutenant of Dorset, was long established. (46) Henry, Lord Waldegrave, was a catholic, who had been added to the Somerset commission of the peace in February 1687, and only appointed as lord lieutenant on 11 August. His predecessor, the

duke of Somerset, had fallen from grace at the beginning of July for 'refusing to assist at the public audience of the Pope's nuntio'.(47) It seems that the Wiltshire lord lieutenant, the earl of Pembroke, refused to put the questions, for in February the outsider, William Paston, second earl of Yarmouth, was made joint lord lieutenant, and it was he who finally made the returns in June 1688.(48) Neither Waldegrave, a catholic, nor Yarmouth, an outsider, could command loyalty in the shires for which they were responsible.

The first returns came from Waldegrave in Somerset. He summoned the justices of the eastern and western halves of the county to meet him at Wells and Taunton respectively. The gentry was well aware of the purpose of these meetings, and the collusion among respondents in many counties, suspected by Glassey, is confirmed by an undated, unaddressed, draft letter written by the steadfast Anglican Henry Bull of Shapwick:

Supposing that in obedience to our Lord Lieutenant's letter you will attend him at Taunton Thursday next, I have sent this to you to give you an accompt of what was done at Wells by the Gentlemen of the Eastern Division. The questions to which they were to give their answers are inclosed, and as they unanimously (two Papists, Mr Hussey and Mr Penne, only excepted) in Dorset gave their negative to the two first and their affirmative to the last, so they all here, not one dissenting, did the like, I send you this to let you know the resolution of your friends here, and having given you this hint, I desire you to communicate to your friends the contents hereof, but not by whom given, and you will oblige therein'.(49)

The Anglican gentry in Somerset planned to meet the threat posed by the Three Questions with absolute solidarity, as their colleagues in Dorset had done. Bull's desire for anonymity

probably reflected the belief that James would axe individual trouble makers from the bench, but could not hope to remove and replace a united Anglican majority.

Only four out of the twenty-eight non-catholic Somerset justices who gave their replies consented unequivocally to all three questions.(50) These were the county's earliest whig collaborator, William Clarke, Sir William Bassett (of Claverton near Bath), and two of the former arch-persecutors in the county, Henry Walrond and Francis Poulet. Richard Morgan and Edmund Wyndham were the only two justices to give uncategorical denials to the first two questions; most of the other replies were tortuous exercises in avoiding the issue. Least evasive were Sir Edward Phelps and a bloc of deputy lieutenants, soon to be dismissed in Waldegrave's militia purge. (51) To the first question they replied that although they could not tell 'how they may change their opinion on hearing the debates', at present they were against taking off the Tests and penal laws. They refused to assist any tolerationist candidates, but in common with all but one justice in England and Wales consented to the third question. Similar replies were given by Henry Bull, John Hunt, Edward Gorges and John Sandford. William Helyar and the *custos*, Fitzharding, were prepared to support toleration if the position of the Church of England was guaranteed. John Bayly LLD, the chancellor of the diocese of Bath and Wells, desired 'not to be obliged to declare himself, his subsistence depending entirely on the churchmen'. Two justices were 'decrepit', four 'very sick', and four listed as catholics already on the commission, while

Edward Berkeley and Joseph Langton needed time to make up their minds.

The Somerset returns were a great disappointment to the privy council, but they represented a veritable triumph when compared with the reaction of Dorset. In the light of the letter drafted by Henry Bull, which makes it clear that the earl of Bristol had already received the responses for his county before the western division of Somerset had been sounded out in early December, it is surprising that the results were not relayed to London before May 1688. (52) Of thirty-three respondents, *James Long* was doubtful, and the catholics *Sir John Webb*, *Sir John Arundel*, *George Penne*, *George Hussey*, along with *John Fitch* and *Gregory Alford* assented to all three. The remainder refused outright to consent to the first two questions.

The return of the Wiltshire poll may have been as late as Dorset's, for no new commission of the peace was issued until June. (53) The delay was undoubtedly due to *Pembroke's* reluctance and to the thoroughness of the earl of *Yarmouth*, who unlike the earl of *Bristol* seems to have put pressure on individual justices to give their assent to the questions. (54) Nevertheless, the Wiltshire returns also made gloomy reading for the government. Although the answers are not always easy to interpret, it is plain that only eight of the thirty-four respondents were prepared to support the King's religious policy in full. Three of these were catholics. Of the other five, only *Sir John Collins* and *John Fitzherbert* made their position totally clear. *Sir James Long*, *Sir Gilbert Talbot* and *Sir Henry Coker* made it obvious that their

assent to the Three Questions was based on loyalty rather than principal.

Yarmouth tried to coerce Henry Chivers, but the militia colonel was reluctant to subscribe to toleration 'lest he should be hanged hereafter'. The other twenty-five respondents fell into three categories:

1. Those who would be prepared to support toleration if the position of the Church of England was secured (a logical impossibility: this answer meant no)
2. Those who would support the repeal of the penal laws but not of the Tests.
3. Those who declared themselves against removing either the penal laws or the Tests, either absolutely, or 'until they entered parliament'.

Fourteen justices were in the third category, of whom eight delivered an unconditional rebuff. Six justices were for tolerating dissenters but not catholics, and five, who dodged the question, were in category one. Half of the J.P.s were at pains to emphasize their loyalty to the Crown, despite their opposition to its religious policies. One who did not was George Tooker, who had been promoted to the bench as recently as spring 1687.

As Yarmouth was not a resident of the county it was possible for a pusillanimous justice to avoid him. Three refused his summons, including Nevill Masklyn, who had been appointed at the same time as Tooker. Lawrence Swanton, the assize clerk, slipped out of the county with the circuit judges, and three others disappeared to join the five or six who resided permanently in

London: the absence of the *custos*, viscount Weymouth, is particularly striking.

All three reports included brief analyses of the disposition of potential M.P.s for the next parliament, which confirmed the lack of enthusiasm for toleration among the county magistracies. (55) The briefest of these reports came from the earl of Bristol:

(I) do not find there is a single person...who will comply with these measures that hath estate and interest enough to be chosen a parliament man, most of them being tradesmen.

The answers to the Three Questions formed the basis of the wholesale purging of the western benches in the first half of 1688. Only seventeen of the justices, out of 122 mentioned by name in the reports, were prepared to back toleration and the admittance of catholics and dissenters into public office. (56) In view of the overwhelming number of J.P.s opposed to the government, the recommendations by the lords lieutenant of fit men to replace them were pitifully inadequate. The earl of Bristol's suggestions were typically unhelpful. He named four catholics already on the bench as suitable to be deputy lieutenants, and recommended that Michael Harvey, the Weymouth dissenter, should be appointed as a justice. This could hardly form the basis of a remodelled magistracy. (57)

The Dorset Remodelling of 1688.

The two commissions issued in June 1688 must have been based on an examination of the justices' replies in conjunction with an

independent report, possibly from the King's political agents for Dorset and Wiltshire (Dr Nehemiah Cox and James Clerk). (58) The regulators' nominations for the King's approval retained thirteen existing justices. The four catholics, and John Fitch and Gregory Alford, who had consented to the questions, were obvious candidates. Less predictable re-appointments were Sir Henry Butler (who like Alford had only recently been turned out of a corporation), Sir Nathaniel Napier, Sir John Morton, Robert Seymour, John Hurding (former Bridport recorder) and John Still, all of whom had tendered negative responses to the Three Questions. (59) Thirty-three new justices were proposed, none of whom appears to have been a catholic. Only four - Michael Harvey, Thomas Moore, Richard Broadrepp and John Mitchell - had sat since the Restoration. Henry Henley, Nicholas and James Gould, and Nathaniel Bond, came from well known dissenter families in the shire, but many of the others were obscure figures. Eleven of the new justices had been interregnum magistrates, or were sons of those that had been. Among them were the Barebone's M.P. William Sydenham, and old Thomas Grove from Donhead in Wiltshire. There were many on the list who had been vigorous opponents of the Crown over the past ten years. Thomas 'Shaftesbury' Bennet and William Bennet of Gabriells had been key figures in Dorset exclusionism. Peter Hoskins of Ibbotson was reported to secretary Jenkins in 1681 for saying 'that none but fools and rogues do address and did address'. More recently, the attorney Walter Foy had been tried at the assizes after obstructing the arms searches in the wake of the Rye House Plot. Others are more difficult to identify: the number

of armigerous families in the new intake was low. (60)

Typical of the more obscure figures was John Burrridge, a merchant in Lyme Regis. Burrridge's father had served on Lyme corporation during the interregnum, but was ejected by the commissioners in 1662. John traded successfully, and sometimes illicitly, in linen and wines, and despite his nonconformity gained a place as a capital burgess in Lyme, which he managed to retain after the town's charter was revised in late 1684. Along with his brother, Robert, he was in the forefront of the opposition to the persecutor Gregory Alford, whom he now joined on the county bench. Although he represented the town in parliament after 1688, he was not of sufficient status to merit a place as a county magistrate after the Revolution. (61)

The new Dorset bench was unrecognisable from the old. The county's governors had remained relatively harmonious during the Exclusion Crisis and, as a consequence, the composition of the magistracy had been little altered in the Tory Reaction, nor had the first regulation of James' reign had much effect. That continuity was now abruptly broken. The new bench was a disparate group of loyal Anglicans (and some not so loyal), interregnum veterans, dissenters from leading burger stock, and a smattering of catholics.

There were only two general sessions of the peace between the issuing of the new Dorset commissions and the Revolution. At the first of these, held in Shaftesbury on 10 July, only four justices were present: the catholic George Hussey, and the surviving Anglicans Anthony Ettrick, John Still, and Robert Seymour.

Business was light and was conducted swiftly. Notable by their absence were the locally resident Thomas Bennet and Thomas Grove (it is possible that the new commissions or the *dedimuses* did not arrive in time for the sessions). At the Bridport sessions on 2 October the story was very different. The Anglicans, Napier, Alford and Still, were joined by a large contingent of dissenters from the south and west of the county, including Nathaniel Bond (appointed chairman), Nicholas Gould and John Burridge. The catholic George Penne of nearby Toller Welme did not attend, but is recorded as working out of sessions, producing two settlement orders in partnership with the Barebone's Parliament veteran William Sydenham .(62) The limited evidence we have from Dorset suggests that a good proportion of the county justices appointed in the June commissions were prepared to collaborate and take up their administrative duties in the shire.

The Somerset Regulation and the Bruton Incident

Lord Waldegrave's report, returned in December 1687, was far more helpful to the regulators than that of his Dorset counterpart.(63) Of the sixteen men he recommended for appointment to the bench, only John (Francis) Ankethill was a catholic. The other fifteen were quite substantial figures. Sir Thomas and Harry Bridges were well known high Anglicans of unshakeable loyalty to the Crown. Harry, of Wells, had lost his place in 1687. His father had been removed in 1685 for unspecified reasons. (64) John Harrington of Kelston, the moderate, and George Clarke were two others who were to return to the bench following dismissal in the 1686-7 purge. (65) Sir Charles

Carteret, successor of Edward de Carteret the former Black Rod, had inherited land at Milborne Port, and secured his place in James' favour by marrying one of the Queen's maids of honour. (66) The remaining names are a roll call of the county's leading exclusionists. Edward Strode (new sheriff of the county), his brother William, who had hosted Monmouth in 1680, Edward Clarke of Chipley, John Speke, and Warwick Bampffield had all been dismissed from the bench in 1680-1. (67) Baldwin Malet's father, Sir John, was a leading whig, whose deputy as recorder of Bridgwater, and political ally, had been the attorney George Musgrave, who was also nominated. Charles Steynings was a survivor of the interregnum bench, and the barrister Robert Syderfin was the son of another J.P. of the 1650s, Thomas. (68)

On receipt of Waldegrave's report the regulators produced a revised list. This must have been a preliminary exercise, for it contained only twenty-seven names. (69) Twelve sitting justices appeared on this list; among these were Robert Brent, the King's chief electoral agent, and his Somerset relative Joseph Brent, who must have been added to the commission in August 1687. (70) With three exceptions (Harry Bridges, George Clerke and Edward Clarke), Waldegrave's suggestions were taken up, and Abraham Atkins and John Champney were added.

From the quarter sessions evidence, it appears that an undated, much longer list was the basis of the commission sealed on 11 February. (71) Between December and February events in Somerset had overtaken the regulators. The tensions created by the Three Questions and the rumoured purge erupted at the Bruton

quarter sessions held on 10 January 1688. The Bruton incident was surely the most dramatic protest by the tory magistracy against the remodelling of local government in the country.(72) At the centre of the storm was Edward Strode, of Downside, who had been appointed high sheriff of the county in November 1687.

Strode was not the most politic of choices for the shrievalty. His father had been a presbyterian Parliamentary colonel who, as we have seen, quickly got himself into trouble with the royalist militia establishment after the Restoration.(73) Strode, a litigious and unpopular man, had been a prominent whig during the Exclusion Crisis.(74) During Monmouth's rebellion his brother William had been taken up to prevent him joining the insurrection, and only pardoned on 15 July 1687. Edward himself is alleged to have donated £100 to the duke when he passed through Shepton Mallet, and to have sheltered him briefly after Sedgemoor, for which he too was arrested and later pardoned. (75) These were not credentials likely to endear Strode to tory magistrates.

The sheriff's problems started when he attended his first county court at Ilchester on 2 January. He had already served the writ of discharge to his predecessor, the tory James Prowse of Axbridge, and expected that Prowse would attend the court to hand over the 'Gaol Rolls, writs and all other things belonging to my office'. The former sheriff in a deliberate act of obstruction did not come to Ilchester, and so considerably hindered Strode from carrying out many of his duties. Despite this set back, Strode found 'all the people at the place, being attorneys and the rich sober country freeholders...very well satisfied and thankful

for his majesty's grace...'. But he was not so confident of the attitude of the current county magistrates: 'The 10th instant I also went to the quarter sessions at Bruton (because I heard of no new commission of the peace sealed) to give my attendance on the justices doubting their malice against me because of his majesty's employing me'. He obviously expected opposition, but hoped that the influence of Fitzharding, the lord of Bruton, would calm the atmosphere. He could not have been more wrong.

On first arriving at Bruton, Strobe met and conversed with the viscount, and found him hostile. Fitzharding was still smarting from the Three Questions. He told Strobe that when the lord lieutenant had informed him that the King would secure 'all the laws to his people as to their liberty and property', he had replied that this 'could not be done unless his Majesty would hang up eleven judges'.⁽⁷⁶⁾ The next topic of discourse was the empanelling of the Grand Jury. Fitzharding as lord of the town and *custos*, viewed the Jury as a legitimate part of his patronage. He asked to see the panel, but Strobe replied that they were all good and substantial men, and that the under-sheriff had the list. Fitzharding then sent for this list and had the town's innkeeper read out the names and give the character of each man. Although he could not object to any on the panel, the viscount asked Strobe to add the names of several that were usually on the Jury, and of several of his neighbours. This Strobe refused to do. There followed a sharp exchange. Fitzharding accused the sheriff of returning a Grand Jury to produce an address, to which Strobe replied that he saw no reason why they should not express their

thanks for the King's generosity.

Soon afterwards Sir Edward Phelips, the chairman of the sessions, arrived and Fitzharding sent for him to open the court. The justices present were John Hunt of Speckington, Thomas Wyndham of Witham Friary, John Bayly the chancellor of the diocese, and Henry Bull of Shapwick.(77) When the sessions opened the tory magistrates tried to overawe the Grand Jury and the hundredal juries. As the names of the jurors were read out in court, the deputy clerk of the peace, David Trim, stood up, and acquainted the chairman and the other justices of 'any man's name that he knew was thankful for his majesty's liberty' (dissenters). The Grand Jury 'was much slighted and discountenanced by the court, especially the lord Fitzharding', who talked with the foreman, Mr James Tucker, to persuade him not to present an address. This bullying was too much for the sheriff, who now fought back against the tories.

We have two versions of the following events. Strobe felt that Trim's appearance in the court was provocative in itself, because the clerk knew that the sheriff had 'an especial outlawry against him':

His majesty's writ of outlawry being delivered me, and Mr Trim in presence, it would have been an escape in me if he were not taken on it: so I ordered one of my bailiffs within the court was up to go and serve him with the warrant, which he civilly did, nobody taking notice of it

Fitzharding saw the incident differently. He traced the affair back to Monmouth's rebellion. At that time 'no person was more zealous to discover those traitors than...David Trim of

Wells, who in his search found the aforesaid Mr Strode to have abetted it,...which made Strode to be seized'. The *custos* believed that this was

the foundation on which spleen is built, for a writ coming into his hand against Trim when he might easily have taken him any day, he reserved it till he could take his revenge the most disgracefully to him and his friends publicly before the county at the sessions, where he knew him to be the clerk of the peace's deputy.

The sight of an old 'rebel' harassing one who had been of such service to the Crown after the rebellion, by means of a royal writ in open court, infuriated the tories.

Strode dined with the justices at the town inn and was given an uncomfortable time, 'having nobody of the king's side with (him)'. Then news arrived that Trim had actually been arrested. Fitzharding played down the reaction of the justices, but Strode accused the magistrates of abusing him for having the temerity to arrest one of their officers. Thomas Wyndham was particularly vehement, threatening to cut the sheriff's throat, and having to be restrained from hitting him (Trim was Wyndham's client, being town clerk of Wells, where the justice was recorder). (78) Strode would not release Trim without a bond, so two of the justices, a tory attorney and a militia captain, stood bail. By this time the sheriff realised that if he stayed any longer in Bruton, the justices would do everything in their power to exact revenge, so he wisely quitted the town for the safety of Downside, leaving his under-sheriff to carry out his responsibilities.

Strode's absence did not preclude the justices attacking him. In the afternoon, after the sheriff's Grand Jury had received its

charge, it rejected the court's choice of a bailiff to wait on it, and instead nominated a bailiff of Strode's, his 'kinsman', William. The accounts differ as to what happened next. Strode alleged that Fitzharding's bailiff, Mr Plummer, called out to the Jury's bailiff that he 'was one of Strode's rogues'. William Strode replied that Plummer should hold his peace, 'for the time was now over for the setting up of head and quarters' (a reference to the carnage after Monmouth's rebellion). The justices seized their chance, accused the sheriff's bailiff of disrupting the court, and commanded him to find sureties. He replied that he had no sureties, and was committed to the care of Mr Daw, the 'late sheriff's underkeeper'. That evening an official was sent from the court to tell the bailiff he could go free, and that the court had no further business with him. The next morning, when the justices knew full well that he had left the town, they called for William Strode. Being informed that he was gone, chairman Phelps

with most outrageous fury that he foamed at the mouth, fined me (Edward Strode) a hundred pounds and did use such reproachful and abusive language that it is not fit to be used to a footman much less to one that his majesty has thought fit to be the sheriff of his county... . (79)

Fitzharding's version had the sheriff's bailiff shouting out the first insult as a triumphal gesture at his adoption by the Grand Jury, credited Will Strode with escaping from custody, and also added that when the bailiff presented himself to the court on 12 January, the sheriff's fine was withdrawn. Whichever of these tales holds more truth, the Bruton quarter sessions had shown

that, in Somerset, a tory controlled bench could not work with the King's new adherents. Government in the county was hamstrung. The sheriff, who had not yet inherited the apparatus to fulfil his custodial responsibilities, was at loggerheads with the justices, and both were using the law to make life as unpleasant as possible for their opponents, and not for the good of the community.

As a result of the above events, Strobe wrote to the privy council, detailing his complaints. To help his case he emphasized that 'it is not me but his majesty through me they do affront'. He then launched a general attack on the conduct of the magistracy:

Sir, the business of this quarter sessions would have been as easily dispatched in two days as in four, but because Bruton is the lord Fitzharding's town and Edward Cheek the master of the inn where the justices do eat and drink, the business is prolonged to keep the countrymen in town to spend their moneys and to spend the King's money, for the justices have each 4s. a day, and that the King might not have the fines to pay it they have this sessions fined none that have been found guilty, some but 6d., some but 1s. for greater offences than formerly in other sheriff's times they have fined them five marks and five pounds. All shows their hearts. They go to the hall about ten o'clock stay two hours then dine till four or five and then mazed headed go to the hall again and there vent their folly's against all that will not do like them. (80)

The sheriff demanded that the justices be summoned to London to answer for their 'evil stubbornness', and that they be put out of the commission of the peace, for 'if it be not now so done, if his majesty thinks fit to call a Parliament, they will so word beat and brow beat his officers and friends that his majesty's service cannot be preserved...'. .

In response to this, a warrant was issued for Fitzharding,

Phelips, Wyndham, Trim and the late under sheriff, Robert Prowse (sic), to appear before King and Council on 3 February.(81) Fitzharding replied to this warrant by defending himself and his fellow justices against Strobe's charges. The viscount's appeal was not based on his rather cursory narrative of the sessions, but on the antecedents of the case. He drew attention to Strobe's role in the Monmouth rebellion, to his brother William's promotion of exclusionist petitions in the county (which Fitzharding claimed credit for thwarting), and to his father's plundering of Bruton in 1642. Now this ingrate, on whose behalf Fitzharding had interceded after the rebellion, 'hath blasted me in the country, where far from court I desired only leave to pray for the King'.(82) What Fitzharding was trying to say, in his circumlocutory way, was that the majority of Somerset justices had not endured the interregnum, Exclusion Crisis, and Monmouth's rebellion, to be lorded over by such as Strobe.

How important the news from Bruton was in influencing the composition of the commission issued on 11 February, and the later west country commissions, we can only infer, but with the exception of Fitzharding, whose genuflections must have been sufficient, all the justices who sat at the Bruton sessions were excluded. Poulet, Bassett, Walrond and William Clerke, who had assented to the Three Questions, were continued, as were the more equivocal Peter Roynon and Will Lacy. No other justices survived the purge. Francis Ankethill and Thomas Muttiebury, who had both been humiliated by the tory bench at the Ilchester sessions of 1680, were the only two catholics newly appointed. Only four of

forty-eight locally resident Somerset justices in the spring of 1688 were catholics.(83)

The Somerset magistracy was now dominated by dissenters and whig sympathizers with dissent, not by catholic soldiers or agents of absolutism (the electoral agent Robert Brent and his relative Joseph were no longer in commission). The Strodes, the Spekes, Thomas Moore, John Buckland, and Henry Henley now formed the core of county government.(84) Their attendance at quarter sessions bears witness to their willingness to co-operate with central government. The turn-out at Ilchester in April was very impressive.(85) The three catholic justices resident in the shire attended as did twelve whig collaborators and the tory Harry Bridges. Bridges wrote to secretary Sunderland:

Hitherto the malicious people have not met with greater disappointment than the management of the quarter sessions held this week at Ilchester, where appeared eighteen (sic) justices of the peace, a greater appearance seldom known, for conduct and dispatch of business free from the usual clothing of violence and hardly to be matched.(86)

The only sour note was produced by Viscount Fitzharding, still *custos*, who tried to exercise his waning influence by nominating the chairman of the sessions. His nomination, Will Clarke, had recently moved out of the county, and so this was regarded by the majority of the justices as a means of obstructing the business of the court. In Clarke's stead the court appointed the new recorder of Wells, Will Coward, who accepted reluctantly, but performed admirably. Fitzharding's opposition finally cost him his position as *custos*; a dismissal which completed the humiliation of the

shire's great tory families. He was replaced by the catholic Waldegrave. (87)

Fifteen justices appeared at the Bridgwater sessions in July, including Edward Strode and John Speke, who is recorded as acting out of sessions with his family's bitter enemy, Henry Walrond. (88) The new justices worked conscientiously throughout the summer and early autumn: Speke, Atkins, Ankethill, Muttiebury, and Edward Hobbes were especially busy, but nobody could match Walrond, who maintained his prodigiously high work rate. (89) The Bruton incident had shown that shire government could not function in harmony with central government if a large tory rump remained on the commission; but could the county be run at all without the experienced tories, and would sufficient collaborators be found? The answer seems to be yes. Somerset administration did not collapse after the second regulation. The leading men of the shire might have been fuming at their own exclusion, but their less exalted replacements were prepared to collaborate with the government, for the time being. (90)

The Wiltshire Regulation

The regulators could not produce a full revision of the Wiltshire commission until June. (91) Yarmouth's scrupulously compiled, if tardy, returns were followed very closely in the remodelling. Fourteen justices were retained. (92) These included the men who had assented to the Three Questions. (93) Three martial J.P.s, John Wyndham, Sir John Talbot, and Henry Chivers were continued, despite their reluctance to endorse toleration, so too was Richard Chandler, who was absent when the Questions were

posed. All the lord lieutenant's recommendations were taken up, with the addition of the dissenter Sam Eyres, the catholic soldier Bernard Howard, Henry Arundel and the shady colonel Abjohn Stokes. (94) The committee showed the same disconcerting ignorance of their nominations' christian names as they had done in 1686: ten out of forty were unknown to them.

Arundel's influence had produced a much higher proportion of local catholics than in Somerset and Dorset. Twelve, possibly thirteen, of the forty newly commissioned J.P.s were catholics, the Arundels and the Browne family of Ludgershall being strongly represented. A further fifteen were dissenters or patrons of dissenters. This group was led by Sir John Eyles, Sir William Pynsent, and William Trenchard. (95) James Heely had served as a justice in the 1650s, and been displaced as an assistant at Salisbury by the corporation commissioners in 1662. Nicholas Green of Grittleton was a baptist. Another of the veterans of Barebone's Parliament to be commissioned in the west, he had been a very active justice throughout the interregnum, as had the father of Charles Mitchel. (96) Municipal government was well represented among the new recruits. Edward Hope of Devizes was appointed mayor of the town by the corporation regulators in January 1688 and he was joined on the bench by his colleague James Webb. Also with experience of town government was Edward Rider, who was appointed a capital burgess at Wilton in 1686. (97) There was certainly no lack of administrative experience amongst the protestants admitted to county government in June 1688.

Experienced the new justices might have been, prepared to act

they were not. In Wiltshire the government seriously miscalculated the amount of support they could expect from nonconformists. The much larger proportion of catholics on the Wiltshire commission may explain this marked unwillingness to collaborate. The Trinity sessions held at Warminster in July was attended by only three justices: the stalwart loyalist Sir Henry Coker, and the catholics Lord Stourton and Robert Beach. Nor is there any evidence in the great roll of any newly commissioned justice acting out of sessions.(98)

The county received a new commission in August, but this contained no important changes.(99) There was nowhere else to look for support in the county. The gloom was not alleviated in the following weeks. Seven justices sat at the Michaelmas sessions in Marlborough on 2 October. Of these, five were catholics and the other two the government-supporting tories, Sir James Long and Sir Gilbert Talbot. There are thirty recognizances, informations and examinations in the sessions' roll taken by commissioned justices; of which eleven were taken by catholics. Two informations lodged by Edward Hope represent the entire contribution of the dissenters.(100) In county government whig collaboration did not exist in Wiltshire.

(d) Conclusion

On the day the Marlborough sessions met the chaotic state of county government in Wiltshire was recognised by the sealing of a new commission of the peace.(101) The docquet book simply records that Sir Charles Rawleigh and 'others' were restored to the

commission: we must presume that these others were Anglican gentry recently purged. This was the the start of the panic destruction of James' unholy coalition. As with all Jacobite alterations to the commissions, haste was more in evidence than thought. The October Wiltshire commission does not survive, nor do those issued for Somerset (October 25) and Dorset (November 3), but if we can rely on the docquet book, the justices appointed in 1688 were not removed.(102) Not surprisingly, in the confusion that followed William's landing, these hybrid commissions were inactive. Nine justices attended the Bruton sessions which opened on 5 January 1689, but only a small amount of business was transacted.(103) The sessions' roll contains documents from only thirteen cases, and a mere four of these date from later than October. It seems that the January sessions was a political rather than an administrative event, dominated by whigs who had deserted James.(104) The Blandford sessions in Dorset was attended by only three justices, who made two orders, while in Wiltshire there were no sessions held between October 1688 and July 1689.(105) County government in the west of England had broken down.

James had successfully piloted the juggernaut of his political stupidity through the western commissions of the peace, leaving a trail of devastation and fury in his wake. The first regulation, in 1686-7, was appallingly researched and no better implemented. That which followed, between December 1687 and June 1688, was akin to a woodsman cutting off the branch upon which he is standing. In Wiltshire government ground to a halt in the

summer of 1688, in Somerset it rested largely in the hands of those who had sought to exclude James from the throne but a few years before; some of whom had supported the rebellion of his nephew in 1685, and who did not hesitate to support the Orangist cause. When William landed the institutions of shire administration were not working. Political considerations aside, it is difficult for a regime, which is failing in its prime responsibility, that of governance, to command the loyalty of its people.

Footnotes to III, (ii) The Commissions of the Peace 1685-88.

1. For the scale of these changes throughout the rest of the country see Glassey, Politics and the Commissions, pp. 63-99; Miller, Popery and Politics, pp. 269-72.
2. The evidential difficulties which prevent precise reconstructions of the commissions of the peace are discussed later in this section. The above figures are based on a comparison of Chancellor Jeffreys' *liber pacis* of 1685, P.R.O., C193/12/5 and the lists of justices offered for royal approval printed in G.F. Duckett, Penal Laws and Test Act, (2 vols., 1882-3), I, 228-9; II, 262-3, 292-3 (checked against the originals in Bodl., MS Arch, f. c. 6).
3. P.R.O., C231/8, pp. 117-8.
4. Luttrell, Historical Relation, I, 331, 335, 337, 339, 344.
5. Of the seventy M.P.s elected in the three counties no more than ten were from outside the ranks of the tory gentry. House of Commons, *passim*.
6. P.R.O., C231/8, pp. 119, 127-8. S.R.O., Q/JC/94.
7. S.R.O., Q/JC/96. Glassey, Politics and the Commissions, p. 66.
8. P.R.O., C231/8; C193/12/5, fos. 30v-34v, 120-123, 152-156v.
9. P.R.O., C231/8, pp. 98, 142, 147. W.R.O., G23/1/4, fo. 269. Duckett, Penal and Test, I, 228. House of Commons, III, 740.
10. P.R.O., C231/8, pp. 142, 157. Duckett, Penal and Test, II, 262. H.M.C., House of Lords, I, 177.
11. D.R.O., Quarter Sessions Minute Book 1669-87. S.R.O., Q/SO/7, fos. 451-479; Q/SR/163-167. W.R.O., A1/110, H.- M. 1686; A1/160/4, H.- M. 1686.
12. Luttrell, Historical Relation, I, 383.
13. P.R.O., PC2/71, p. 325; C220/9/4, fo. 95v. W.R.O., Seth Ward's *Liber Notitiae*, III, 55.
14. P.R.O., PC2/71, pp. 365, 372, 376.
15. Glassey, Politics and the Commissions, p. 72.
16. P.R.O., PC2/71, p. 365. H.M.C., House of Lords, I, 178. House of Commons, I, 721. Duckett, Penal and Test, II, 262.
17. P.R.O., PC2/71, p. 372. House of Commons, II, 251.

18. Duckett, Penal and Test, II, 292. C.S.P.D. July-Sept. 1683, pp. 238-9, 272.
19. Walrond was Somerset's most active persecutor during the early 1680s. His execution of the Conventicle Act in 1681 was tireless. S.R.O., Q/Si/186. For George Clarke's toryism see C.S.P.D. 1679-80, p. 600; C.S.P.D. July-Sept 1683, p. 153.
20. P.R.O., C231/8, p. 170. Duckett, Penal and Test, II, 15, 292-3.
21. P.R.O., PC2/71, p. 376. House of Commons, II, 616-7.
22. House of Commons, I, 534/5. Duckett, Penal and Test, II, 222, 224.
23. House of Commons, I, 625-6; III, 546.
24. H.M.C., Lords I, 191. P.R.O., C193/12/4; C193/12/5. W.R.O., A1/160/4; A1/110.
25. Glassey, Politics and the Commissions, p. 75.
26. H.M.C., Lords I, 235-6. Miller, Papery and Politics, pp. 270-2. Duckett, Penal and Test, I, 220. The seventeen were: (Dorset) Sir John Webbt, Sir John Arundelt, Geo. Pennet, Sam. Rolle, [Geo] Husseyt; (Somerset) Henry, Lord Waldegravet, Thomas Martin, Thomas Littleton, Husseyt; (Wiltshire) Sir John Webbt, James Stonehouse, Jon. Rogers, [George] Tooker, [Neville] Maskelyn, [John] Scroopt, Husseyt, Sir Isaac Gibiont. († signifies a catholic).
27. Scroop and Maskelyn had both been dismissed from the commission in Feb. 1680. H.M.C., Lords I, 191. I have included Scroop as a catholic on the strength of Lord Yarmouth's returns of spring 1688. Duckett, Penal and Test, I, 220.
28. S.R.O., Q/JC/97, Commission of 22 Feb. 1687. S.R.O., Q/JC/98, is wrongly dated as April 1688, it is undoubtedly April 1687, containing dispensation from the Tests and re-instating Henry Walrond.
29. S.R.O., Q/JC/97; Q/JC/86.
30. See above pp. 235-239.
31. Glassey, Politics and the Commissions, p. 75.
32. P.R.O., C231/8, pp. 170, 174.
33. Glassey, Politics and the Commissions, pp. 76-7. Luttrell, Historical Relation, I, 436.
34. D.R.O., Quarter Sessions Minute Book 1669-1687. S.R.O., Q/SO/7, fos. 488-507; Q/SO/8, fos. 3-10; Q/SR/168-171. W.R.O., A1/110, E. 1687-H. 1688; A1/160/4.

35. S.R.O., Q/SO/7, fos. 488, 497.
36. D.R.O., Q.S.M.B. 1669-87, Bridport sessions 4 October 1687.
37. D.R.O., Quarter Sessions Order Book 1686-99, Blandford sessions 11 Jan. 1687, Sherborne sessions 5 April 1687.
38. D.R.O., Q.S.O.B. 1686-99, Blandford sessions 10 Jan. 1688.
39. W.R.O., A1/110 H. 1687-H. 1688; A1/160/4.
40. Duckett, Penal and Test, I, 212-221. Scroop's position is difficult to ascertain in 1688. Yarmouth did not think him in commission, but the regulators did.
41. Webb, Hussey and Scroop. Duckett, Penal and Test, I, 228-9.
42. Glassey, Politics and the Commissions, p. 78.
43. Glassey, Politics and the Commissions, pp. 78-9.
44. Duckett, Penal and Test, I, 212.
45. Glassey, Politics and the Commissions, p. 79.
46. He was appointed in November 1679. P.R.O., C231/8, p. 16.
47. P.R.O., PC2/71, p. 376; C231/8, p. 178. Luttrell, Historical Relation, I, 408. Henry Waldegrave was from Chewton, Somerset, and also possessed estates at Naverstock, Essex, and Stanninghall, Norfolk. Born in 1661, he married the illegitimate daughter of James II by Arabella Churchill. He was created Baron Waldegrave of Chewton in January 1686. Complete Peerage, XII, ii, 306.
48. Duckett, Penal and Test, I, 210. Luttrell, Historical Relation, I, 432.
49. Glassey, Politics and the Commissions, p. 81. It seems that such letters were circulated among the gentry in the western division of the county. Bull/Shapwick MSS, DM 155, fo. 155. We cannot be sure of their origin, but in January 1688 the sheriff, Edward Strode, alleged that David Trim, deputy clerk of the peace and town clerk of Wells, 'writ several letters to the justices of the peace and deputy lieutenants that they should not comply with the Lord Walgrave to his majesty's proposals and sent a messenger about with the letters'. E. Green, The March of William of Orange through Somerset with a Notice of Other Local Events in the Time of King James II (London, 1892), p. 43.
50. Duckett, Penal and Test, II, 11-15.
51. See below, p. 416.

52. Bodl. MS Rawlinson A. 139 A, fos. 188-90.
53. P.R.O., C231/8, pp. 193-4.
54. Duckett, Penal and Test, I, 212-221. Glassey, Politics and the Commissions, p. 80.
55. Duckett, Penal and Test, I, 208-11; II 16-19, 38.
56. This figure includes those who absented themselves and were named by the lords lieutenant.
57. Duckett, Penal and Test, II, 38-9.
58. P.R.O., C231/8, pp. 193-4. Duckett, Penal and Test, II, 221-2.
59. Butler was removed as recorder of Shaftesbury and Alford as a capital burgess at Lyme: another case of the left hand being ignorant of the doings of the right. P.R.O., PC2/72, pp. 542, 582.
60. Williams, 'County Government', II, 376-8. House of Commons, I, 627 8, 752; II, 423; III, 59-60. SP29/107/99; 417/106. SP44/70, p. 86. Harleian Society, CXVII, (1977), 'Visitation of Dorset 1677'. D.R.O., B7/B1/9, p. 286; B7/B1/10, p. 453; B7/D2/1, Actions of the corporation Commissioners 10 Oct. 1662; C.T.B., VIII, 280.
61. D.R.O., D1/KG/1147, Commission of 6 April 1689.
62. D.R.O., Q.S.O.B. 1686-99, Shaftesbury sessions 10 July 1687, Bridport sessions 2 Jan. 1687. For the co-operative attitude of Philip Taylor of Weymouth see B.L. Add. MS 41,805, fo. 176.
63. Duckett, Penal and Test, 15-16.
64. P.R.O., C193/12/5; PC2/71, p. 572. S.R.O., Q/JC/94.
65. See above p. 337.
66. House of Commons, I, 376.
67. See above pp. 173, 192.
68. Bull/Shapwick MSS, DM 155, fo. 149. House of Commons, I, 374. Williams 'County Government', II, 380. Thomas Venn to Richard Newcourt, 25 Feb. 1682, P.R.O., SP29/418/417.
69. Duckett, Penal and Test, II, 273-4.
70. P.R.O., C231/8, p. 178.
71. Duckett, Penal and Test, pp. 292-3.

72. The following account is based on reprinted documents in Green, The March of William of Orange Through Somerset, pp. 33-43.
73. See above pp. 16-19.
74. His links with Seymour and Conway in the early 1680s must have attracted suspicion. He was involved in extended legal suits with the dean and chapter of Wells, over his patronage of the parish of Long Sutton (which the church felt was anomalous in view of Strode's religious leanings), throughout the mid-eighties. H.M.C., Wells, II, 453-4, 456, 461-2.
75. Green, The March of William of Orange Through Somerset, p.44. Luttrell, Historical Relation, I, 376.
76. It seems that Waldegrave was reluctant to accept this first reply and allowed Fitzharding to make a more reasoned statement of his position.
77. The order book records that George Horner of Mells also attended the sessions, although he may have arrived after Strode departed S.R.O., Q/SO/8, fo. 3.
78. John Hunt was also furious, and Sir Edward Phelips was so wrathful that he could barely speak.
79. Edward Strode was being fined for negligence in allowing the escape of a prisoner committed to the charge of the shrievalty. The fine was blatantly vexatious.
80. It is interesting to speculate on the importance of alcohol in escalating local political quarrels at this period. Extended eating and drinking bouts in hostelries seemed to have been an integral part of the conduct of quarter sessions and petty sessions. One cannot imagine that excessive imbibation was any more conducive to harmony than it is today.
81. C.S.P.D. 1687-9, p.134. Unfortunately there is no record of the justices' appearance before the council in the register.
82. Green, The March of William of Orange Through Somerset, pp. 38-40.
83. S.R.O., Q/SO/7, fo. 221. The popular reaction to the Bruton incident was the burning of Strode in effigy there some time in February. It is not reported whether Fitzharding was behind this demonstration. Luttrell, Historical Relation, I, 432.
84. Justices who had served during the interregnum included Thomas Baynard, the sequestrator of Winterstoke Hundred, and Richard Jones of Chew Magna. Underdown, Somerset in the Civil War, pp. 126, 140.

85. S.R.O., Q/SO/8, fos. 11-20. William Coward (chairman), Sir Thomas Bridges, Warwick Bampffield, Henry Mompesson, George Musgrave, Henry Rolle, Harry Bridges, Francis Ankethill, John Speke, John Champney, Richard Crosse, James Webb, Thomas Mutt-lebury, Robert Syderfin, Richard Glanville, Thomas Littleton and Abraham Atkins.
86. Bridges to Sunderland, 28 April 1688, SP31/4/32.
87. Commission to Waldegrave dated 19 June. P.R.O., C231/8, p. 194.
88. S.R.O., Q/SO/8, fos. 21, 26, 26v.
89. S.R.O., Q/SO/8, fos. 21-8; Q/SR/172-4, 177.
90. Even at the Bath sessions of 2 Oct. nine justices attended: Will Coward, Sir Thomas Bridges, Warwick Bampffield, John Champney, George Long, James Webb, Henry Mompesson and Richard Glanville. This was a very busy sessions which had to be adjourned to the house of Warwick Bampffield at Hardington, where the court reconvened on 18 Oct. S.R.O., Q/SO/8, fos. 29-39. Within a month Bampffield, Webb, Mompesson, and Long, had signed the Exeter declaration in favour of the Prince of Orange. The March of William of Orange Through Somerset, p. 58, and below, p. 430.
91. Duckett, Penal and Test, I, 228.
92. Sir James Long, Sir John Collins, Sir Henry Coker, John Wyndham Henry Chivers, Richard Chandler, Sir John Ernle, Sir Stephen Fox, George Hussey, John Fitzherbert, Francis Moore, Will York, Sir John Talbot and John Scroop.
93. Sir James Long, Sir Henry Coker, Sir John Collins and John Fitzherbert. Sir Gilbert Talbot was not included but this was not political. Talbot's nephew Sir John was included, and this made the re-commissioning of Sir Gilbert, whose primary interests lay in London, superfluous. Of the other ten who were retained, Ernle and Fox were Court office holders; Hussey, Moore and Scroop were catholics; Wyndham, Chivers, Chandler, York and Sir John Talbot had not answered the first two questions directly, but had chosen to evade them.
94. For Howard see below p. 417. Abjohn Stokes, a justice in the mid-eighties, was tried in King's Bench for arbitrary seizure of goods belonging to indicted but unconvicted coiners. To the surprise of many he was acquitted by a jury composed of Wilts-hiremen. Luttrell, Historical Relation, I 298.
95. House of Commons, II, 285; III, 307, 600.
96. W.R.O., A1/150/11; G23/1/4, fo. 135.

97. W.R.O., G20/1/18, (unfoliated) 2 Jan. 1688; G25/1/19. Curiously Rider was removed from municipal government in June 1688, G25/1/86.
98. W.R.O., A1/110, T. 1688; A1/160/4. Stourton's was the first appearance of any catholic at a Wiltshire sessions. Robert Beach was not included in the regulators' June list.
99. W.R.O., A1/100/1, This commission is a very messy document, representative of the low standard of Crown Office work at this time; it contains crossings out and ink-blots. Although included in the regulators' list of June, the docquet book records that Sir Anthony Browne was newly commissioned in August, along with Richard Kent. Browne's omission was probably the result of sloppiness. Sam Eyres was not included, but Sir Gilbert Talbot and Francis Hill were. P.R.O., C231/8, p. 197.
100. W.R.O., A1/11 , M. 1688; A1/160/4.
101. P.R.O., C231 8, p. 199.
102. An extra commission was issued for Somerset on 17 Nov., re-appointing Viscount Fitzharding as *custos*. P.R.O., C231/8, pp. 2 2-3.
103. S.R.O., Q/SO/8, fos. 40-4. The J.P.s who attended were Fitzharding, Henry Rolle, William Strode, Thomas Strode, Warwick Bampffield, John Speke, Henry Mompesson, James Webb, Thomas Littleton. Edward Strode also attended in the capacity of sheriff (although Sir John Smyth had been appointed to that office on 8 Nov.) Whereas 102 cases were dealt with and 29 orders made at the Bath sessions in October, at the January sessions only 36 cases were heard and 8 orders made.
104. S.R.O., Q/SR/175. The justices who had acted out of sessions were Edward Clerke (1), Peter Roynon (1), Henry Walrond (8), Edward Hobbes (3). Only Walrond and Roynon had acted since October.
105. D.R.O., Q.S.O.B. 1686-99. W.R.O., A1/160/4.

(iii) The Corporations 1685-88.

(a) The 1685 Elections.

Charles II died whilst the process of re-granting the charters surrendered in late 1684 was in full swing. In the first few weeks of James II's reign new charters were approved for Calne (twice), Bridport, Chippenham, Salisbury, Malmesbury, and Wilton.

(1) By April 1685 thirteen of the region's nineteen major corporations had received new charters since 1683. Poole was still governed by a special commission. Only Dorchester, Marlborough, Weymouth, Ilchester, and Taunton had weathered the tory attack on the charters. We have noted that the purpose of the alteration of the borough charters was not principally electoral, but the haste in which the last six charters were issued during February and March suggests that charter revision was seen as an important element in the government's campaign to secure a compliant parliament. (2) The evidence from Calne gives substance to this impression.

In 1684 the town's charter had fallen victim to a *quo warranto* judgement. (3) The warrant for a new charter was issued on 19 February, nominating Benedict Browne as guild steward, and twelve burgesses, including Edmund Webb and Sir John Ernle. Ernle, the Chancellor of the Exchequer, was a prospective Court candidate for the seat, and Webb's son Thomas was intended as his running partner. (4) Webb and Ernle must not have felt confident that the restructured corporation would elect them, for the election was

delayed until yet another charter was issued on 13 April. (5) This time thirty burgesses were nominated. Although only three of the burgesses named in the February charter were removed, any opposition to the Crown was swamped. Three tory county justices (Will Duckett, George Wroughton and Henry Clerke) were appointed burgesses, and the rest were 'the major part gentlemen without the borough'. In later years it was alleged that the new burgesses were 'mostly unknown to the people there, but active men in those times, whose business was the destruction of the corporations'. (6) This claim may not have been exaggerated. When the election was finally held at the end of April, Duckett, Webb and Clerke, who signed the return, were forced to break open the town hall and forego the support of 'any one man of the borough, or one that lived within five miles of the place'. (7) Their successful electoral manipulation angered the men of Calne and caused a split in town government. At the next court of the manor of Ogbourne St George (which comprised the town before its incorporation), an alternative municipal authority was set up. William Jones (dismissed as a burgess in April), acting as guild steward (the equivalent of mayor), Robert Dyer, and Robert Wheeler (members of the pre-1684 corporation), named twenty-three new burgesses, who were sworn in before the deputy steward, John Oliver. Of this rival council only John Seagar had been named in the April charter. The gap in the records of the corporation over this period is unfortunate (it is probable that, as in other towns, internal strife was directly responsible for the absence of records). We know nothing of the conflict between these two bodies

over the next three years, nor how the town was administered, only that in June 1688 the corporation, as nominated in the April 1685 charter, was still regarded as the legitimate authority by the Crown. (8) It is also certain that the whigs on the alternative council were responsible for the petition which challenged the legitimacy of the election of Ernle and Webb, but which was never heard. (9)

Elsewhere in the region the tories encountered less severe resistance. At Wells the regulation of late 1683 had displaced five common councilmen and the recorder, William Coward; this had been sufficient to tip the balance in favour of the tories, who felt confident enough to field three candidates in the persons of Thomas Wyndham (the new recorder), Edward Berkeley and Harry Bridges. (10) The whigs could not hope to win the election (they did not even try), but they did attempt to undermine the corporation's confidence in James' government. In late February the corporation received an anonymous letter, claiming that the great tory magnate, the duke of Beaufort, had already expressed dismay at the King's 'catholicizing zeal', and that Church, state and the tories had been betrayed. Although this appeal highlighted the implicit contradictions of tory support for the catholic James, the corporation was unmoved. The Crown was informed immediately, and assured of the loyalty and strict adherence of the town's rulers to James' policies. (11)

The same letter was sent to Bridgwater where, it was feared, the King's interest was weaker. The events of the tory reaction had made a profound impression on the town, and despite the

regulation of 1683, the tories' warnings of the early 1680s that there were precious few loyal men in the town were repeated once more in 1685. 12) Lord Stawell's elevation to the peerage left Sir Francis Warre without a running-mate of sufficient weight to challenge Sir Halswell Tynt, who clung grimly to his whiggery. The mayor of Bridgwater at this time was captain Thomas Venn, Stawell's henchman, who combined his municipal office with a militia commission and the post of comptroller of the port. He sought to counter any opposition among the twenty-four burgesses in whom the franchise resided, but was not totally successful: 'there have been some that have made divisions amongst us and some so rotten I cannot trust'. (13) His real fear was the possibility of Sir Francis Rolle championing the cause of the old popular franchise, an eventuality which he managed to prevent. He could not, however, secure the election of two tory M.P.s: Warre's partner John Prowse of Axbridge was soundly defeated by Tynt. (14)

Bridgwater was a rare defeat for the Court. Of thirty-eight M.P.s elected to parliamentary seats in the corporations, only Henry Henning and Sir John Morton at Weymouth, and Tynt himself, were whigs. The electoral independence of the corporate towns had been almost wholly eliminated by the Crown's control over municipal personnel and the domination of the key post of the recordership and of the magistracy by the tory gentry. This new-won political strength of the gentry in the towns was underlined in the following eighteen months by the creation of many more tory gentlemen as free burgesses in the region. (15)

(b) Revolution in Municipal Government 1687-8.

The ascendancy of the tories in municipal government, which had been rudely interrupted in Lyme, Taunton and Bridgwater by the horrors of Monmouth's rebellion in the summer of 1685, continued until the late autumn of 1687; by then, the army, the judiciary, the universities, the commissions of the peace and the lieutenancy had already been the victims of James' overriding desire to secure toleration for his co-religionists. (16) The King's intention of gaining the support by uniting the cause of toleration for catholics with that of toleration for protestant dissenters was signalled by the Declaration of Indulgence issued in the spring of 1687. Even before the Declaration, James had made it clear to one of the most notorious of persecuting corporations, Lyme Regis, that he wished the harassment of nonconformists to cease. On 9 January secretary Middleton wrote to all exercising jurisdiction in the town, ordering them to stop presenting or molesting the presbyterian preachers Ames Short and John Kerridge, or any others, for not attending church. (17) The reaction to the Declaration was not immediate, but by the late autumn addresses had been presented to the King, thanking him for his clemency, from the dissenters of Dorchester, Salisbury, Devizes, Calne, Chippenham, Bath and Taunton. The corporations were almost totally silent. The councillors and freemen of Bath delivered an address to the King on the occasion of his visit to the city in mid-August, and the corporation and grand jury of Weymouth recorded their thanks at the end of October. (18) The near universal lack of enthusiasm from the corporations for James'

tolerationist policies presaged the appointment of six privy councillors to a commission for the regulation of the corporations on 14 November 1687. (19)

Unfortunately, there is little evidence to show on what information the commissioners carried out their review of the corporations, but they wasted no time in acting: the first orders for the dismissal of corporation members in the west came on 27 November. (20) Like the commissioners regulating the county magistracies, the corporation commissioners, acting in great haste, were not especially discriminating in their purges. The results were devastating. Between 27 November and the end of March, 187 mayors, aldermen, burgesses, free burgesses and their equivalents were removed from municipal office in the three counties. Nine of the ten boroughs which returned M.P.s on a corporation franchise were regulated, which attests the predominantly electoral motivation of the changes. In Salisbury twenty-seven of an electorate of fifty-four were purged; in Shaftesbury ten out of twelve; in Calne sixteen out of thirty; in Devizes twenty-six out of thirty-four; and in Bridgwater seven out of twenty-four. (21)

The most obvious targets for the commissioners were the tory gentry who had been so successfully intruded into the corporations during the middle years of the decade. Sir Henry Butler, the ultra-tory recorder of Shaftesbury, and the town's senior M.P. in the 1685 parliament, was the first to go. (22) He was followed by twenty-seven county J.P.s or former J.P.s, turned out as recorders, capital burgesses, or free burgesses, in ten

corporations by the summer of 1688. (23) In addition, at least nine relatives of former justices were also removed. (24) Particularly vulnerable were those who had battled against dissent in the towns during the tory reaction. Stephen Timewell, Gregory Alford and Will Macey (one of Stawell's agents in Bridgwater) had all been displaced by the middle of January. (25)

At the same time as corporation members were dismissed, provision was made for their replacement by those likely to support religious toleration. We know even less about the selection of these replacements than we do about the displacement of their predecessors. The privy council register does not list the names of the commissioners' nominees, so we are reliant on the surviving corporation records. (26) At Devizes, the eleven aldermen, fifteen burgesses, and twenty-nine free burgesses removed were replaced man for man by a simultaneous order (as was standard practice). (27) The new men are not always easy to identify, but overall the strength of the dissenting element is clear. Three of the first batch of six aldermen appointed had been ejected by the corporation commissioners back in 1662, and the other three bore the surnames of those similarly dismissed. (28) In the second set of aldermanic appointments was one Richard Jefferies, who had been a free burgess during the interregnum. It is likely that this was the same Jefferies identified by colonel John Wyndham as a serge seller in the town, an anabaptist, who was the key local figure in organising the shadowy band of Scots pedlars, who acted as couriers, linking the nonconformist plotters of the west with their comrades in London (Jefferies

organisational experience was in evidence during the following April when he undertook to manage the Calne election).(29) In total, ten of the eleven aldermen appointed in 1688 had either been burgesses or freemen in the 1650s, or were related to those that had.

In the cathedral city of Salisbury, where twelve of the twenty-four aldermen and fourteen of the thirty common councillors had been removed, officers who had served during the interregnum also found themselves back in power: four of the ten aldermen displaced in 1662 were re-appointed in 1687-8.(30) Symmetrically, four of the aldermen dismissed in 1687-8 were first appointed by the 1662 commissioners.(31) Of the common councillors, Christopher Batt was a veteran of the 1650s, and another four were the sons of interregnum councillors. There were also mistakes in the Salisbury regulation. Daniel Thomas was appointed an alderman, but did not take up his office, 'there being no such person in the city'.(32)

Bridport's corporation was almost completely purged: thirteen out of the sixteen members were removed.(33) A familiar pattern is apparent among their replacements. John Cousens, who had been a bailiff in 1657, became a free burgess. Another free burgess, George Hardy, had been ejected with Cousens in 1662.(34) Hardy was a constable in 1684, and described as 'a great professor amongst the presbyterians'.(35) Three more of the new burgesses were the sons of burgesses who had fallen victim to the 1662 commissioners.(36) The appointment of leading dissenters in Lyme is even better attested. Eight capital burgesses were created,

who included the principal opponents of Alford's persecuting regime. Edward Keetch had been imprisoned in 1684 for slandering the Anglican mayor, Robert Jones. (37) Benjamin Beare was fined nearly £250 in a four year period by the town magistrates for housing and attending conventicles led by Ames Short. (38) Baruch Pitts was another who had suffered conviction for meeting, and Ferdinand Lacey had been one of Alford's earliest victims in the town. (39) In Lyme, as elsewhere, the regulation spelt a complete reversal of fortunes for the tories.

How successful were the regulations of late 1687/early 1688? The picture was mixed. Not all the nominees were willing to take up their positions on the reformed corporations. Ferdinand Lacey and William Whetcombe of Lyme were dismissed two months after their appointment for non-co-operation, and several others throughout the region refused to be sworn in. (40) From the reports of the King's electoral agents (Dr Nehemiah Cox and James Clerke for Wilts and Dorset, and John Jones, Richard Andrews and the Monmouth rebel, Nat. Wade, for Somerset), made in April 1688, it appears that the early regulations had only gone part way toward guaranteeing the Court electoral success in the western corporations. (41) Some of the reports are confusing and others contain inaccuracies, but the overall picture is clear enough. (42) The agents were happy with the conformability of Devizes (where Richard Jefferies had been very active), but elsewhere the stage was far from set. The first regulation at Calne was unsuccessful and a second was necessary to bring the corporation under the influence of Jefferies and Edward Hope, mayor of Devizes. (43) A

quo warranto was out against un-reformed Marlborough, presumably at the instigation of Dr Cox. The town's charter had been defended by the tory corporation and the earl of Ailesbury since 1682, but was now very vulnerable.(44) Salisbury had been the first corporation in the west to be altered, but by April James' supporters in the city were seeking a new charter to re-inforce the dissenting interest. The lord lieutenant's report from Wiltshire, at about the same time, also urged new charters for Marlborough and Salisbury.(45)

Although the franchise at Dorchester was popular, and tolerationist candidates could confidently expect to be elected, *quo warranto* proceedings were in hand against the town's charter, which the town clerk (the county clerk of the peace Andrew Loader) was successfully defending. Poole was still without a charter, but the agents thought the Crown could hope to create an interest among the freemen.(46) The unhappiest story came from Somerset. At Wells it was reported that the 'former magistrates have made many burgesses of gents in the country to serve a turn to secure the election. It is necessary there be a new charter...'. Despite its wide franchise and large dissenting population, the agents felt that Taunton needed a new charter, for 'till then the inhabitants are awed by the country gentlemen who are their magistrates...A *quo warranto* is sent on which a new charter will be delivered'.(47) James could certainly not expect convincing electoral success in the corporations before the summer.

Following the agents' reports there was a further series of alterations in corporation personnel. Sixty more members were

displaced between May and September. Wilton suffered twenty removals, and was then judged conformable. (48) Viscount Fitzharding was replaced as high steward of Bath by the lord lieutenant of Somerset, Lord Waldegrave. (49) On 1 June twenty-two burgesses were ejected at Calne. (50) A petition from the town, dated 8 August, reveals that the corporation had been dissolved by order of the privy council, and the town left in a state of chaos with no government at all (an irony considering the position of 1685). The reasons for the dissolution were given in a government newspaper: 'The magistrates of this town have demeaned themselves so disrespectfully to the government that His Majesty has thought fit to dissolve their charter, and is granting a new one to be lodged in better hands'. (51) Cox's optimism that Calne could be easily handled had proved unjustified. All over the west the regulation of the corporations was proving an awkward and time-consuming business.

Between 1 June and 8 August government supporters in the towns of Marlborough, Wells, Taunton, Salisbury and Calne were responsible for petitions requesting new charters. This group with the addition of Poole was among the list of thirty English towns thought fit to receive re-granted charters during the summer. (52) All six, along with Bridport, received new ~~charters~~ charters in late August and early September. (53)

The new charter of Wells highlights the clumsiness of the earlier regulation. Back in January 1688 twelve corporation members had been replaced. In May, on the strength of the agents' report, the entire corporation was displaced, facilitating the

dissolution of the 1683 charter.(54) The August charter re-appointed only eight of the twenty-two aldermen and common councillors removed in May, as well as the recorder, the old whig William Coward, who had publicly demonstrated his willingness to support James' policies on more than one occasion. (55) Another survivor was the mayor Thomas Muttlebury, who was a catholic county justice of the peace.(56)

Finding substantial supporters for James' policies in Salisbury was even more difficult. None of the dissenting aldermen appointed in November 1687 had shown any enthusiasm for the government, and all were omitted from the August charter. Robert Hill, a cutler, who had been but a modest common councillor since November 1687, was promoted to mayor. John Cooper, a grocer, and similarly a common councillor in November 1687, was elevated to the aldermanic bench, but no other common councillors survived. The important new aldermen were dissenters from outside the city, the most notable of whom was the old Porton baptist John Rede.(57) The common councillors were, with three exceptions, resident in the city, but their social status was clearly well below that of previous councillors, whether the dissenters nominated in November, or their tory predecessors. They included a milliner, an innkeeper, a 'tin man', a waggoner, a cordwainer, a tanner, a baker, and lesser clothiers. Little is known about the government of the corporation over the next month and a half (only one full council meeting was held), but the reformed corporation brought unspecified legal suits against the former mayor and constables, which suggests an uneasy atmosphere

within the city. (58) What we do know is that the leading citizens of Salisbury, both Anglicans and dissenters, were excluded from municipal government, and that those who wielded authority in the city had very little experience of administrative responsibility.

The members of Calne's reconstituted corporation were equally obscure. Only one burgess, John Goddard, was appointed from the alternative corporation of May 1685; and only three of the burgesses, again including Goddard, continued in municipal government after the Revolution. (59) As in Salisbury and other towns, the presbyterians showed the greatest reluctance to collaborate with James II: the corporation of September included at least four Quakers. (60)

Poole's stubbornness could still not be overcome: two attempts to foist a charter on the town failed to make any progress. (61) The new Marlborough charter brought government in the town to a halt. Unlike boroughs whose charters had been surrendered in 1683 and 1684, and had undergone piecemeal regulation since late 1687, Marlborough underwent an immediate change from a tory corporation to one composed entirely of collaborators. The shock was too great for the tories in the town. Since the Restoration the largely Anglican corporation had been struggling with the problem of dissent; during the tory reaction their patience had been vindicated, but now they saw their hard-won dominance dashed away by a King, whose cause they had supported in the face of a turbulent mob in 1679. (62) No less than ten of the new corporation had been presented for nonconformity by the town's churchwardens in the late 1660s and

early 1670s, but most of the leading nonconformists in Marlborough were not thought to be disposed to collaborate, and were not included in the corporation.(63) Nathaniel Bayly, appointed mayor, was the only member of the dissenting clan which had ruled the town in the 1650s who was prepared to co-operate. After twenty-six years he regained the mayoralty from which he had been ejected.(64) Most galling to those who had controlled Marlborough since 1662 was the presence on the corporation of twenty men who had been at the forefront of the cause of the popular franchise in August 1679: the bitter irony was that those who had striven to break the electoral monopoly of the corporation, were now about to exercise it in the interest of the man they had fought so desperately to exclude from the throne.(65)

The ejected tories simply refused to hand over power to the dissenters. John Furnell, a cheesemonger in the town, deposed that on 9 October,

Nathaniel Bayly, mayor, with several others, aldermen of the same corporation, had a meeting in Marlborough with John Morgan late mayor, Will Greenfield and Robert Carpenter, late aldermen and Rolfe Bayly, late town clerk, and in the hearing of the said deponent, with the aldermen his brethren, demanded of the above the maces, seal books and other things of the said corporation, whereupon they demanded His Majesty's late charter to be read out, and said they did not find any words in it of grant therein of Maces etc to oblige them to deliver up the same, unless obliged to do so by the Council.(66)

The dispute was not settled before the King's *volte-face* in mid-October; in the meantime the town had been without government since early September.

We do not know enough about what happened in the corporate

towns during the late summer of 1688, but the blank pages of other corporation books suggest that Marlborough was not the only borough to experience bitter disputes. Agents Wade, Jones and Andrews reported on electoral prospects some time in September, but although they remained optimistic about the number of seats the government could expect to win, they made no comment on the internal state of the corporations, except for Poole, where they alluded to the town's reluctance to accept a charter which entailed the loss of county status.(67)

In the event, the new charters were in force for not more than six weeks. With the threat of Dutch invasion looming, James was forced to throw his corporation policies into reverse. On 17 October an order was promulgated in the privy council, cancelling all surrenders and regrants of charters made since 1679. The only exceptions were to be those towns whose deeds of surrender were recorded in the courts (Bridgwater), or those against whom a *quo warranto* had been enrolled (Calne, Poole and Malmesbury out of a national total of nine). All other cases pending were to be marked *noli prosequi*. The exempted towns were encouraged to approach the attorney or solicitor-general, who, without fees, would arrange for the renewal of their old charters. In the other corporations all officers appointed under charters granted since 1679 were to be dismissed.(68) As far as personnel was concerned the government of the corporations was returned to 1679.

This desperate bid for support was too late. It was clearly a panic measure dictated by circumstance, and was totally insufficient to regain the trust of those who had been humiliated

over the previous twelve months. Even at the last ditch James committed a staggering error. By turning the clock back to 1679 he had not restored his former allies, the tory gentry, to their coveted places on the corporations. He had missed a chance, however slender by this time, to re-forge a link with the Crown's natural supporters. From his former enemies and erstwhile collaborators he could expect little trust. The meetings held to announce the rescinding of the charters were well attended but, where the evidence survives, attendances at council meetings thereafter were very sparse, particularly after the landing of the Prince of Orange. 69)

As with the county benches, the regulation of the corporations was horribly misconceived and clumsily executed. The strength of James' position in 1685 was not intrinsic, but resulted from the successful marriage between *Crown policy and* the ideals of the tory county gentry - one of the results of which was the entry of so many county justices into the government of the corporate towns. The dry-as-dust pages of corporation minute books do not record the passions aroused by the wholesale destruction of this harmonious relationship, but they leave us enough clues to assess its significance for the tragic reign of James II.

Footnotes to III, (iii): The Corporations 1685-88.

1. Calne: SP44/335 p. 476; 336 pp. 60-2.
Bridport: SP44/335 p. 474.
Chippenham: SP44/335 p. 448
Salisbury: SP44/70 p. 139.
Malmesbury: C.S.P.D. 1685, pp. 64-5.
Wilton: SP44/336 p.37.
2. See above p. 275.
3. Marsh, Calne, p. 57.
4. P.R.O, SP44/335 p. 476.
5. P.R.O., SP44/336 pp. 60-2.
6. Quoted in House of Commons, I, 438.
7. House of Commons, I, 438.
8. This episode is not easy to unravel. The entry in House of Commons, I, 438, contains some inaccuracies. Ogbourne St George was a Crown manor, and traditionally (under the terms of incorporation which the town claimed before 1685), new burgesses were created by presentation at the manor court to the steward or his deputy. The twenty-three (not twenty-five) sworn in at the court of 9 May were not given freedom of the borough (as stated in House of Commons) but created burgesses, which automatically conferred voting rights upon them. It seems that Jones, Dyer and Wheeler were following time-honoured procedure, in defiance of the new charter, to challenge the election result and to assert the right of Calne men to govern Calne. This rival corporation formed the core of the 1689 council. W.R.O., G18/1/1, (back of book) pp. 145-6.
9. House of Commons, I, 438.
10. SP44/66, pp. 310-2. House of Commons, I, 380.
11. Harry Bridges to secretary Middleton (and the enclosed copy of the anonymous letter), 1 Mar. 1685, BL Add. MSS 41,803, fos. 197, 199.
12. R.L. to the mayor of Bridgwater, 24 Feb., C.S.P.D. 1685, p. 41.
13. Venn to Sunderland, 28 Feb., P.R.O., SP31/1/44.
14. Venn to Sunderland, ? Feb., C.S.P.D. 1685, p. 60.
15. These included Henry Bertie, James Herbert and Will Brewer at Devizes, Thomas, Lord Bruce, Francis Hill, Will Ettrick, John Grove, Seymour Bowman and John Bowles at Salisbury, and col.

- Oliver Nicholas at Bath, where the King's commander, the earl of Feversham, and the dreaded Percy Kirke were also admitted as freemen. W.R.O., G20/1/18; G23/1/4, fo. 269. Bath R.O., Council Book III, p. 16.
16. H.M.C., Stopford-Sackville, I, 24-6.
 17. D.R.O., B7/A3/1, p.9, Order from Middleton to stay all processes against Short and Kerridge.
 18. Luttrell, Historical Relation, I, 411, 413, 416, 418. Bath corporation, as a further sign of loyalty, admitted the earl of Dunmore, Lord Godolphin, Lord Waldegrave, colonel George Legge and the Queen's chamberlain, Robert Strickland, as freemen. Bath R.O., Council Book III, p. 49.
 19. Luttrell, Historical Relation, I, 420-1. The commissioners included the Lord Chancellor, Sunderland, Lord President Powis, Lord Castlemaine and the hated Father Edward Petre.
 20. The report of the Somerset lord lieutenant, Lord Waldegrave, dated 20 Dec., recommended that the corporations of Wells and Bridgwater be purged, but gave no further details. Duckett, Penal and Test, II, 16-17. The first orders were for Salisbury and Shaftesbury, P.R.O., PC2/72, p. 542. The Salisbury dismissals were carried out on 17 Dec. , W.R.O., G23/1/4, fo. 281v.
 21. P.R.O., PC2/72, pp. 542, 550, 561, 608, 613. W.R.O. G23/1/4, fo. 281v; G20/1/18, Council orders 2 Jan., 17 Feb., 14 Mar. Removals in corporations with a wider franchise were as follows: five at Chippenham, eight at Taunton, twelve at Lyme, thirteen at Bridport; and eleven at Chard (re-incorporated in 1683, but still with no parliamentary representation). P.R.O., PC2/72, pp. 555, 567, 582, 588, 613, 621, 639. W.R.O., Miscellaneous Records of Chippenham, G19/1/38, fo. 185. D.R.O., Lyme Court Book 1672-92, B7/B1/10, fos. 433, 435-6; Bridport Red Book 1453-1817, B3/H1, pp. 532-3.
 22. P.R.O., PC2/72, p. 542.
 23. Will Bowles (Shaftesbury), John Fitzherbert and Henry Chivers (Malmesbury), Richard Lewis, Walter Grubb, Will. Brewer, Henry Baynton, Charles Tucker, James Long (Devizes), Thomas Chafe, Thomas Strangways, Hugh Hodges, John Ironside, Anthony Fowke (Bridport), Thomas Wyndham (Wells), Gregory Alford (Lyme), Sir Edward Phelips and Will Helyar (Chard), Thomas Penruddock, Robert Hyde, John Bowles, Richard Kent, Francis Wroughton (Wilton) George Wroughton, Henry Clerke, Edmund Webb (Calne), Stephen Timewell (Taunton).
 24. Humphrey Fitzherbert (Malmesbury), Thomas Grubb, Thomas Brewer, Robert Baynton, Henry Bertie, James Herbert (Devizes), Thomas Wyndham jun. (Wells), Thomas Webb (Calne), John Kent (Wilton)

25. P.R.O., PC2/72, pp. 550. 567. D.R.O., B7/B1/10, p. 435.
26. Bath, Bridport, Lyme, Devizes, Salisbury and Chippenham.
27. W.R.O., G20/1/18. Only two free burgesses, Henry Coleman and Henry Fowler, refused to take the oaths.
28. Richard Webb, John Stephens and Philip Coleman were veterans of the 1650s. Edward Hope junior (mayor), Edward Peirce and James Webb belonged to the younger generation of families in office during the interregnum.
29. C.S.P.D. 1683-4, p. 83.
30. Duckett, Penal and Test, I, 224.
31. W.R.O., G23/1/4, fos. 135-6, 281v. These included the new mayor, Nicholas Parsons. A fifth, Thomas Taylor, was a nonconformist minister ejected from Burbage in Wilts. during 1662, and a holder of a preaching licence in the city in 1672-3. G.L. Turner, The Original Records of Nonconformity, (London, 1911), II, 122. B. Williams, 'Protestant Nonconformity in Wiltshire 1645-65', unpublished M. Litt. thesis, Bristol University, 1971, appendix, xl. Palmer, Nonconformist's Memorial, III, 356-60.
32. Oliver Shergold, William Clemens, James Harris and William Viner. W.R.O., G23/1/4, fo. 156.
33. D.R.O., B3/H1, pp. 528, 532-3.
34. D.R.O., B3/H1, pp. 461, 469.
35. D.R.O., NQ1/A15, p. 15.
36. John Colefox, Joseph Brown and the apothecary Samuel Bishop.
37. D.R.O., Lyme Quarter Sessions Records 1660-1685, B7/A4/3, letter of Robert Coad to Thomas Knaption (county gaoler), 15 Jan. 1684. Keetch had been a constable in 1658. B7/B1/9, p.286.
38. D.R.O., B7/A4/3; B7/B1/10 (smaller book), p. 241.
39. D.R.O., B7/A4/3.
40. D.R.O., B7/B1/10, p. 436. See W.R.O., G23/1/4, fos. 281v-282.
41. Duckett, Penal and Test, I, 221-227; II, 16-18, 221-235.
42. Inaccuracies included the attribution of corporation status and franchise to Milborne Port and Minehead. Unfortunately, the reports on individual corporations are not given dates, so the agents' information may well have been out of date by the time it was submitted.

43. Duckett, Penal and Test, I, 225.
44. Duckett, Penal and Test, I, 227, and 'The Repeal of the Test and Penal Statutes by King James II', W.A.M., XVIII, (1879), 362. W.R.O., G22/1/318D.
45. Duckett, Penal and Test, I, 224.
46. Duckett, Penal and Test, II, 221.
47. Duckett, Penal and Test, II, 229. This report is curious. It is hard to believe that the volatile Taunton electorate had been cowed by the local gentry.
48. P.R.O., PC2/72, pp. 721, 733. W.R.O., G25/1/86, Order for the removal of burgesses at Wilton.
49. Bath R.O., Council Minute Book III, p.69. Two aldermen were removed at the same time as Fitzharding. One was replaced by John Sherston, who had been turned off the corporation in November 1684. See above, p. 289.
50. P.R.O., PC2/72, p. 678.
51. Public Occurrences, 19 June 1688, quoted in House of Commons, I, 439.
52. P.R.O., SP44/236, pp. 14, 36. C.S.P.D. 1687-9, pp. 218, 240, 261.
53. The warrants for these charters are recorded in P.R.O., SP44/338: Wells (20 Aug), pp. 64-5; Salisbury (28 Aug), pp. 71-2; Bridport (31 Aug), p. 76; Poole (31 Aug), p.77 (for the second Poole charter, ?Sept., see C.S.P.D. 1687-9, p. 291); Marlborough (3 Sept), p. 77; Calne (3 Sept), p. 81; Taunton (8 Sept), p.88.
54. P.R.O., PC2/72, pp. 581, 667.
55. Harry Bridges to Sunderland, 28 April 1688, SP31/4/32.
56. For Muttlebury see S.R.O., Q/SO/7, fo. 221. Duckett, Penal and Test, II, 292-3.
57. P.R.O., SP44/338, p.72. Of the twelve aldermen at least six were from outside the city: John and George Rede of Porton, Richard Barnaby of Amesbury, Thomas Drew and John Lane of Baverstock (possibly catholics) and John Tettershall of Odstock. Bennet Swaine (an intended Court candidate for the seat), and the new councillors Ephraim Moore, Robert Shergold, Thomas Staples, and William Body had all been presented to the church courts for nonconformity during 1686. W.R.O., Churchwardens' Presentments for the parishes of St Thomas, St Edmund and St Martin, 1686.
58. W.R.O., G23/1/4, fos. 286v, 289v.

59. W.R.O., G18/1/18, (old pagination) pp. 145-6. Goddard with four other burgesses (three of whom had been on the alternative corporation of 1685) was turned out in 1690 for creating a faction with the intent of destroying the ancient rights and privileges of the borough: the political tensions created in 1688 did not ease quickly in Calne. G18/1/18, (old pag.) fo. 488v.
60. Israel Noyes, Arthur Eastmead, Joseph Serjeant and John Neat. John Jefferies was undoubtedly a relative of Richard Jefferies, the Devizes alderman.
61. Hutchins, Dorset, I, 24. The August charter provided for sixteen alderman. Hen Jubber, the Poole surveyor dismissed for fraud in 1680, was appointed mayor. Hen. Trenchard, M.P. for the town during the Exclusion Crisis, was made recorder. The September charter reduced the number of aldermen to ten.
62. See above pp. 241-2.
63. Edward Duck, Henry and Richard Coleman, Nicholas Rumsey, Will Gough, Tobias Chandler, Peter Furnell, Ben Lawrence, Robert Butcher and Christopher Blake. W.R.O., Churchwardens' Presentments, Marlborough St Mary and St Peter, 1665, 1667, 1668, 1671.
64. W.R.O., G22/1/22, pp. 151-4.
65. W.R.O., G22/1/23, pp. 173-4.
66. Affidavit of John Furnell, dated 11 Oct., W.R.O., G22/1/318F.
67. Duckett, Penal and Test, II, 242-3.
68. P.R.O., PC2/72, pp. 749-51.
69. W.R.O., G23/1/4, fos. 288v-290; G25/1/83. D.R.O., B7/B1/10, p.453. Bath R.O., Council Minute Book III, p. 76.

(iv) The Militias and the Army in the reign of James II.

(a) Monmouth's Rebellion and the western militias.

In June 1685 the militias of the three counties were finally put to the test, when James, duke of Monmouth, landed at Lyme Regis accompanied by eighty-two followers. His invasion was hardly unexpected; Monmouth himself had abandoned all hope of secrecy and feared that his landing would face immediate opposition from government forces. In this he was unduly pessimistic, for James failed completely to anticipate where the rebels would make land. (1) On 30 May a letter was intercepted, addressed to a Mr Carryer of Ilminster, announcing that 'a certain person' would shortly be landing in the west. The mayor of Taunton was alerted, and the post bag was searched, revealing another such letter to a Taunton aulnager, Christopher Cook. He was sent for and bound over for £1000. The news was immediately dispatched to London, a strong guard was set in the town, and five suspected persons in Taunton were taken up. The same day copies of the letters were sent to the magistrates of Wells and Bridgwater, and an express was sent to the deputy lieutenants, and to the magistrates of Blandford, Sherborne and Shaftesbury, requesting them to search the post carriages, and to 'secure themselves against persons who might come on pretence of going to the fair' (this was the great fair at Exeter). The next day Will Helyar and Will Lacy, the only two deputy lieutenants in south Somerset at that time, met at Ilminster, and ordered that four companies of foot be placed in Taunton and that they be relieved 'by a like number every four

days'.(2) Over the next couple of days rumours abounded. Affidavits were taken, suggesting that a large party of horseman had passed by Obridge Mill on the outskirts of Taunton, with the intention of taking the town, but learning that it was well guarded had drawn off.

Central government did not treat the news from the west with great seriousness. On 4 June messengers were sent down with warrants for the arrest of the Somerset whigs, Will Strode and Edward Clarke, and the old Parliamentarian, captain Chaffin of Sherborne. The same day the King communicated his thanks for the vigilance of Helyar and Lacy, but left it up to the Somerset deputies whether or not they raised their forces or searched for arms.(3) The deputies were more concerned. Helyar ordered that two musketeers and four halberdiers should be set to guard all the bridges in the county, and that all militia officers should be ready for action at a moment's notice. When Sir Edward Phelips and Francis Luttrell arrived in the county on 6 June, it was thought necessary to investigate disturbing reports from Milton and from Bradford-on-Tone.(4) Sunderland, learning of these actions, advised that the deputies continue to be watchful and to take up suspected persons, but did not require any extra vigilance.(5) Meanwhile there was a growing number of sceptics in the west country. The deputies felt at pains to write to their colleagues attending parliament in London, telling them that the militia had not been raised on account of the rumours of horsemen in the night, but on the concrete evidence of the letters discovered at the end of May. Those responsible for promoting the scare found

themselves ridiculed. This was especially true of Stephen Timewell, who investigated all reports of sedition with his usual industry. The common wisdom was that the horsemen-in-the-night story had been put about by the dissenters to mock the zealousness of the authorities. News filtered through from Exeter that the militia there had been dismissed so as not to interfere with the fair, and that the plot stories were little believed in Devon. (6) Too many remembered the incessant alarms of the early 1660s and the groundless fears of 1683.

'Wolf!' had been cried once too often; but this time the wolf was here. On 11 June Monmouth disembarked at Lyme. He was fortunate in choosing a county where no great militia activity seems to have taken place prior to his arrival. In Somerset the keenness of some deputies and officers had at least ensured that the vital dissenting stronghold of Taunton was secured, and that the roads and by-ways were closely monitored. The news of the landing was relayed to the outside world by two Lyme customs officials, Anthony Thorold (collector) and Samuel Dassall (searcher), who, around midnight, rode to Crewkerne on the back of the same coach-horse. They speedily communicated with the lord lieutenant of Devon, the duke of Albemarle, and with colonels Phelips and Luttrell, who were then at Taunton. Thorold and Dassall ordered a watch to be set at Crewkerne, and then left for London. (7)

Next morning the lieutenantancies of Somerset and Dorset started to mobilize their forces. At Dorchester William Strode (not the Somerset whig), John Ironside and Robert Napier issued an order

for the county militia to muster at Bridport (about six miles to the east of Lyme), and enlisted the support of the sheriff, who summoned a *posse comitatus*. (8) At first there was panic among the loyal at Taunton, it being rumoured that Monmouth's army numbered 10,000. But about mid-day on 13 June a servant of Sir William Portman's returned from a scouting mission to Lyme, and reported that the duke's force was much smaller. Having met a party of men on the road going to join the rebellion, he suggested that the militias should be used to throw a cordon around Lyme to prevent the recruitment of rebels in the countryside. (9)

Dorset militiamen were now streaming into Bridport. By the afternoon five foot companies and a troop of horse were posted in the town. The sheriff soon arrived with another troop (but the *posse* was so badly armed and untrustworthy that sheriff Lewis dismissed it). The deputies at Bridport confidently expected that within three days they would have assembled 2000 men. During that afternoon the first contact was made with the rebels, when a party of horse sent out from Lyme was repulsed in a sharp encounter with some cavalry commanded by colonel Thomas Haynes, an officer from Gloucestershire (under the command of the marquis of Worcester), who happened to be in the area - mercifully for the Dorset militia as it turned out. (10)

Monmouth was now aware that militia forces were gathering to the east of him. From the north-west he hourly expected the duke of Albemarle and the Devon militia to appear, and late on 13 June colonel Luttrell marched out of Taunton, with that part of his regiment he had been able to muster, and headed towards the small

town of Chard (about twelve miles to the south-east of Taunton and about the same distance to the north of Lyme). Slowly the net was closing around the rebels.(11) In the early morning of 14 June the duke launched a stroke intended to neutralize the danger on his eastern flank. He sent his second in command, Ford, Lord Grey, with three hundred foot and forty horse to attack Bridport. At first the attack went well. The sentries at the western approaches of the town were surprised, and the cavalry officers billeted in Bridport itself were woken suddenly. Then the fighting started. Two gentlemen militia officers were killed in the ensuing skirmish (including Wadham Strangways, M.P. for the town in the first Exclusion Parliament), but it soon became apparent to Grey that the militia foot encamped to the east of the town was far more numerous than had been believed (possibly over 1000). The rebel commander decided that a rout would inevitably result, and fled the field, leaving his men to extricate themselves as best they could. Grey's lack of confidence was unjustified. The rebels gave a good account of themselves. They retreated in good order, and returned to Lyme with few losses. The failure of the militia to crush this small attacking party, and throw the rest of Monmouth's army into panic is explained by one of the Dorset troopers:

had our horse been in posture to follow them, I believe they would have been routed, but for want of horse and officers to lead them they (the militia horse) did very little, most of our officers being at London, and had not one colonel (Haynes) been in the county accidentally, most of us had been destroyed.(12)

This was the perennial weakness of the militias. They could not

react swiftly and effectively to sudden emergency when their commanders were absent. The duke had the effrontery to invade while parliament was sitting, when Sir William Portman and Thomas Strangways, colonels of the eastern and western Dorset regiments respectively, were in London.

Strangways and Portman arrived in the west later on the day of the skirmish, bearing orders from the King, enabling the militias to act outside their own counties, and clarifying the command structure in such eventualities.(13) At this stage James still believed that the militias were capable of suppressing the rebellion, and few regular soldiers had as yet been ordered into the west. This complacency was about to be exposed.

The evacuation of Taunton for Chard was completed on 14 June, when colonel Phelps marched his regiment out of the town, leaving not one soldier there.(14) As far as we can be sure (and here the evidence is less certain) the Somerset lieutenancy planned to take up the advice of Sir William Portman's servant, in cutting off Monmouth from Taunton and areas of potential support for the rebels in south Somerset, and so to pin him against the Dorset coast. To the west the intention was to link up with the Devon militia at Axminster (about five miles north-west of Lyme), and (presumably) the eastern flank was to be left to the Dorset militia.

On the fifteenth this trap was to be sprung upon the rebels. Luttrell was to rendezvous with the Devon militia at Axminster, and so block completely any northward thrust contemplated by Monmouth. But here disaster struck the Somerset militia. Having

rested his men after the fight at Bridport, Monmouth led them briskly out of Lyme on the Axminster road, early on the fifteenth. He knew that he must either prevent the conjunction of the Devon militia and the Somerset regiments at Chard, or slip out of the Lyme pocket before they could join forces.(15) Albemarle had requested that both the regiments at Chard meet him at Axminster, but it appears that only part of Luttrell's regiment was sent. (16) The colonel marched his troops down the Foss Way, and his scouts were already in the town when the approaching rebel army was sighted. The scouts withdrew from Axminster, and at this point the militiamen were thrown into panic. All accounts agree that their confusion was occasioned by the cries of a veteran soldier that they were all betrayed, but the extent of the disorder is not clear.(17) Colonel Luttrell wrote to inform the duke of Somerset later on the same day that some of his foot had run, but that they soon 'came to arms', and made an orderly retreat to Chard.(18) John, Lord Churchill, who was in command of a small force of regular cavalry sent into the west when the news of the landing reached London, probably received his account of the behaviour of the Somerset forces from the duke of Albemarle.(19) He reported to the King that all the soldiers had dropped their arms and left their colours on hearing that they were betrayed, and had fled, leaving their officers 'to themselves'.(20) As a result, the rebels marched into Axminster unopposed, and camped that night just to the north of the town.(21)

The following morning Monmouth continued to march north towards Chard, where Phelps' regiment and the remainder of

Luttrell's had attempted to regroup. Both colonels had been confident on the fifteenth that, despite the setback at Axminster they would be able to rendezvous with Albemarle on the sixteenth.(22) This optimism was unfounded. The militia officers were unable to control their troops, who fled the town, leaving arms and uniforms in the hedgerows and by the roadsides, before the rebels arrived.(23) The panic at Chard was communicated to Lord Stawell's regiment, which had moved into Taunton late on the fourteenth. Troops from Luttrell's regiment brought news of the Chard debacle on the morning of the sixteenth. Rumours of the imminent advent of the rebels deepened the anxiety of the militiamen in the town, who could have drawn no more comfort from the rebellious disposition of Taunton's inhabitants. In the evening strong guards were set on the southern approaches, but such was the despondency among the troops that about midnight a drum was beaten, and officers and men streamed out of the town, abandoning their weapons, and leaving a wagon-load of ammunition which they had brought in two days earlier. The officer in command, major Prowse, appointed a muster at Bridgwater the following day, but neither officers, nor men saw fit to attend. With barely a shot fired, three of the county's six regiments had ceased to exist.(24)

The duke of Somerset (the lord lieutenant) could not have chosen a more unfortunate time to arrive in the county. He met with his regiment at Wells on the fifteenth, and on the following day, still believing that Luttrell's and Phelps' regiments were intact, was ready to march to Crewkerne, and from there to Chard.

He was convinced that he could put the rebellion down, but felt that the militia needed to be accompanied by a regular foot regiment in order to inspire it with confidence.(25) Once he learned of the disaster at Chard the duke was thrown into confusion. It seems that he appealed to the duke of Beaufort for forces to be sent to him from Gloucestershire, and, when this was denied, sent orders to Salisbury for the regular units there to come to his aid, and for Albemarle to come to him from Devon.(26) Viscount Fitzharding, commander of the horse regiment, could offer the lord lieutenant no good news. He had no confidence in the troopers under his command, nor, indeed, in the militia in general, and was reluctant to advance any closer to the rebels: 'I would not willingly be left alone, which I shall be if I draw without more strength too near the enemy...'.(27) Fitzharding wanted orders for all that remained of the Somerset militia to be joined together at Wells, but even as Monmouth was marching on Taunton (which he occupied on the eighteenth), colonel Berkeley's regiment was advancing south-west from Yeovil to Crewkerne. Berkeley still believed that Monmouth was at Lyme, and that it was his function to prevent the duke's progress to the north-east. This regiment was in a poor state. The officers were ill-informed and in much need of guidance from above, while the morale of the troops was very low. At Crewkerne three captains wrote to Somerset pleading for support:

He were but a bad soldier...that should advise such a regiment as this to march further without horse to attend them or money to pay their quarters. Let us beseech your Grace to send the militia pay and the horse, that is all the troopers, to us here, and let the foot follow as fast as they

can.(28)

Despite a report from Wiltshire, on the twentieth, that Somerset was busy fortifying Wells, where 7000 militiamen had gathered, it seems, from other evidence, that the duke failed to rally any of the troops who had deserted during the preceding week, and that he was accompanied at Wells only by his regiment, a horse troop and the demoralised regimental commanders.(29)

In the meantime central government had realised that the western militias alone were incapable of crushing the rebellion. Lord Churchill, as commander of all regular forces then in the west, was given a special order on the eighteenth to keep in constant contact with the various militia commanders there; and colonel Strangways was commanded to form one regiment from the Dorset militia forces, which had never really recovered from the fight at Bridport. (30) Three battalions of Foot Guards and six troops of dragoons and cavalry prepared to march west, and on the nineteenth James appointed Louis Duras, the earl of Feversham, as lieutenant-general of all forces in the west, both regular and militia. Feversham was a man of no proven military ability, but his subordinates were capable and experienced officers, and many of his troops battle-hardened veterans.(31)

When Feversham set out for the west on 20 June the rebels, then resting in Taunton, were almost unchallenged in Somerset. Albemarle's Devon militia was keeping a respectful distance on their left flank, and although a more serious threat was posed by Churchill's cavalry, which was following Monmouth up from the south, the duke of Somerset and what was left of his militia was

preparing for a siege at Wells.(32) The militias had now been reduced to an auxillary role. On 21 June Somerset was ordered by Feversham to march the soldiers under his command to Bristol and there to join the duke of Beaufort, but to leave four companies in Bath, to which he had now retreated. He was also instructed to destroy the vital bridge at Keynsham, which lies between Bristol and Bath.(33) Somerset duly marched to Bristol, but he did not demolish Keynsham bridge, and he left barely any soldiers in Bath. His arrival in Bristol caused a panic there, and the duke of Beaufort sent an express to Feversham urging him to make all possible speed to the city, in order that it be saved from the rebels. The lieutenant-general pressed on to Bristol, but took care to garrison Bath with a company of regular foot, two companies of dragoons, and four cavalry troops, in addition to an infantry regiment of the Wiltshire militia under the earl of Pembroke.(34)

Although away from the immediate theatre of action, the Wiltshire militia had responded to the news of the invasion with no more orderliness than its counterparts in Dorset and Somerset. The county regiments were mustered early in the week beginning 15 June, with varying degrees of success.(35) A warrant issued for the muster at Devizes threw the large village of Lavington into a panic, and revealed a state of unpreparedness characteristic of so many militia regiments:

...I believe never such confusion and disorder appear. First the locks being almost eat to pieces with rust. After this there was never a bullet mould to be had, either here, or at Market Lavington and, if we had not thought of Laman by chance that he might have one to make bullets for some of his guns, we must needs have sent them away without ammunition.

When they were forced by the constable to go out of the town they cried some of them like children going to be whipped. Never I think were such fainthearted cowards seen, for they now thought they were leaving their beloved bacon and cale and going on to certain destruction. Neither I think were some of their commanders more valiant, for Mr Noys the lieutenant of our company appeared amongst them with a white cap and a sad countenance, being taken ill all of a sudden. (36)

Such scenes must have been common all over the west. By far the best of the Wiltshire regiments was that commanded by colonel John Wyndham, the popular patron of the Harnham Bridge firing-range, and the leading Salisbury tory. He first mustered his regiment in the city on the seventeenth, but was obviously unsatisfied with the readiness of his troops until the evening of the twentieth, when he marched them westward to *Wilton*. (37)

Other regiments were still in a state of confusion at the time when Wyndham left Salisbury. Officers, as well as men, of the Warminster regiment had deserted. Red coats were found left in the hedgerows around Longleat, and militiamen were heard toasting Monmouth in the main street of Warminster itself. So prevalent were desertions that it was rumoured that the earl of Pembroke had 'gelded' two men in Salisbury for leaving their posts, to serve as an example to the rest. (38) With the exception of Wyndham's regiment, it seems that the Wiltshire militia never fully recovered from its early disorganised state. Throughout the rebellion the southern stretch of the Wiltshire/Somerset border between Westbury and Mere (about twelve miles), one of the most turbulent parts of the region, was totally unguarded. That Monmouth failed to recruit large numbers of men from the potentially large reservoir of support in south-west Wiltshire was

not the result of the alertness of the county militia.(39)

After the arrival of Feversham in the west, the militias played only a minor role in the campaign. Once Oglethorpe's cavalry had intercepted the rebels at Keynsham on 25 June, and thus prevented Monmouth's intended attack on the inadequate eastern defences of Bristol, the duke's army was on the run.(40) The pursuit was left to the regular army, and most militia units were allocated such tasks as blocking unlikely avenues of enemy retreat, garrisoning unendangered towns, and escorting unwieldy canon away from the theatre of action. Feversham (himself no military genius) had a very low opinion of the militias. He wrote on 30 June:

...je suis si lassé de la milice et sont si incommode que je renvoie ce matin trois regiments de la milice d'hamshier, un au devizes, et les deux autres a salisbury, ils estoient hier en grande desordre...je serois obligé peust estre a les charger comme ennemis; la milice de dorsetshier non pas par la mesme raison mais par ce qu'ils on este tout le temps avec milord churchill et que les marches les tourmenté fort, j'ay fait un ordre pour qu'ils s'en retournent dans leurs pais...quand ils seront partis je n'aurai plus que milord Pembroke avec la milice de wiltshier (Wyndham's regiment and the militia horse), la cavalerie d'oxfordshier...et un regiment d'hamshier...(41)

Feversham wanted to rid his force of all but the best militia units, and even these were not immune from trouble. On the night of 24 June colonel Wyndham's regiment was at Bradford-on-Avon, guarding against a sudden dart by Monmouth towards the capital, when an 'alarum' caused it to scatter in the darkness. Such was the confusion that the regiment could not 'unite into a body' until the following day.(42)

The Somerset militia had been disgraced, but was partly

redeemed by Viscount Fitzharding, who held Bath as Monmouth marched south towards Norton St Philip, and later provided Feversham with transport and supplies.(43) The duke of Somerset, however, continued to be a liability. He resented the fact that Feversham's commands took precedence over his own, upbraiding Fitzharding for taking orders from the earl. By the end of June the command structure of the Somerset militia had broken down completely. The deputy lieutenants at Bath wrote to the duke of Somerset (presumably still at Bristol), requesting: 'First that the remaining militia of the county be drawn into this town...Also that we may have a commander-in-chief appointed us, so that we know whom to obey'. On Somerset's rejection of this plea, the deputies wrote to him in strong terms: how could the militia function effectively if the lord lieutenant and his deputies were separated, and in disagreement?(44)

Only Pembroke, his able lieutenant Wyndham and a contingent of the Wiltshire militia represented the region at the battle of Sedgemoor, and even they were held well in the rear and took little part in the fighting.(45) The rebellion had exposed the weaknesses of the militias, apparent from the early 1660s: poor equipment, bad training, and feeble leadership. The absence of the senior militia commanders in the days after Monmouth's landing had enabled the duke to create a small, but remarkably resilient, army, with which he seized the initiative. The policing efficiency of individual troop and company commanders during the 1660s and 1680s could no longer hide the truth that an amateur

militia was incapable of forming the first line of national defence. The most important consequence of the rebellion for the relationship between the Crown and the localities was James' anger at the ineptness of the western militias, and his unwillingness to trust them in the future.

(b) ' I cannot create men, nor can I master of their minds':
The Militias and the Army, August 1685-1688.

At the end of July secretary Sunderland wrote to all the lords lieutenant, requesting 'an estimate to be forthwith made of the expense of keeping up the militia within your lieutenancy, as long by law they may be kept together in one year'. According to the duke of Albemarle, lord lieutenant of Devon,

the king was displeased with the militia in general and that the behaviour of those in the west gave him just cause; wherefore it was conceived he would make no more use of them but have the money that (the) expense came to, and maintain(standing) forces in every county proportionable...
(46)

The message was plain: James intended to run down the militias, and to divert money from them to support an enlarged peacetime military establishment. To do this he needed parliamentary support.

When the second session of James' parliament opened on 9 November he encountered immediate opposition. Faced with a demand for a grant of £1,200,000, the Commons demurred before agreeing to the reduced sum of £700,000. The maintenance of a large standing

force was causing unease; so too were the issues of catholic officers and militia reform. The former speaker, Sir Edward Seymour (an extensive property owner in west Wiltshire), announced in the House that he 'had rather pay double...(to the militia), from whom I fear nothing, than half so much to those (the standing army), of whom I must ever be afraid'. (47) Nobody expressed the fears of the assembled tory gentry more passionately than Wiltshire's most active and accomplished militia officer, colonel John Wyndham:

If we give because we are asked, I am for the least sum because for an army, and I would be rid of them as soon as I could and am now more against it than I was, being satisfied that the country is weary of the oppression of the soldiers, weary of free quarters, plunder and some felonies, for which they have (on complaint) found no redress. And since I heard Mr Blathwayt [the secretary-at-war] tell us how strict rules and orders were prescribed them by the King, I find by their behaviour that the King cannot govern them himself; and then what will become of us?. (48)

Now that the immediate danger of the rebellion was passed it was expected that the standing forces raised in the emergency would be disbanded, and that the militias would regain their military predominance in the shires: this did not happen. The Commons was resolved to improve the effectiveness of the militias; James to let them wither away. The King was also determined that his co-religionists should hold commissions in the standing army, in the face of bitter opposition. The inevitable occurred on 20 November, when James terminated the session in a fit of frustration, sacrificing his £700,000. (49)

The military presence in the west was now at a higher level

than at any time since 1660, in a region where standing forces were particularly unwelcome.(50) As colonel Wyndham had pointed out in the House, the King had made attempts to curb the worst excesses of his troops in the region. In July the mayor of Bridgwater had complained to the Court that regulars were taking free quarter in the town. Colonel Kirke was swiftly instructed that such rough treatment of the civilian population was not to be tolerated, but more than general orders were required to erase the unpopularity of the soldiery.(51) This unpopularity increased as autumn passed into winter, and the number of rebels still at large dwindled. The county gentry were as resentful of the standing forces as the common people. In December news reached secretary Sunderland of a great conventicle, which met at Worle, mid-way between Taunton and Wells. He wrote to the duke of Somerset, directing him to order his deputies and the local justices to apprehend the offenders and punish them with severity. The earl also informed the duke that 'the King's troops in those parts have orders to assist on this and the like occasion'. Somerset did not reply for a month, and when he did it was to play down the importance of the conventicle, and to deny the need for any assistance from the regular forces.(52) The lieutenancy was rightly jealous of its policing role, fearful of its usurpation by the standing army, and keenly aware of the resentment which would flare up in the country as the result of using professional soldiers in such sensitive duties.

Discipline in the standing units further deteriorated in 1686. If the countryman did not enjoy having large numbers of

regulars in his back-yard, nor did the professional officers enjoy extended bouts of provincial life. In early 1686 the earl of Bath informed Sunderland that in Devon and Cornwall too few superior officers chose to stay with their units, and that in consequence there 'were a great number of complaints against the soldiers'. The officers were in such short supply that, much to his disgust, the earl had become the target of all these complaints.(53) The same must have been true of the three counties to the east. Supervision of the soldiery was a major headache. With little to do but draw their pay and drink it away, soldiers drifted in and out of their units like semi-deserters. A set of informations preserved in the Somerset Record Office shows just how lax was the discipline of the Taunton garrison, and the unpleasant consequences of this for the local communities.(54)

One James Ewens, described as 'one of the grenadiers in the regiment of soldiers now at Taunton', was responsible for a series of violent and drunken misdemeanours in the village of Milverton, in which he had taken up residence during the later part of 1686. The villagers complained of his loutish behaviour to the local justice, Ferrers Greisley, who sent a warrant to the village constable for the soldier's arrest and his carriage to Taunton. Ewens was duly arrested, but sent word ahead to arrange his rescue by a party of comrades. The constable and his associates were ambushed near Taunton by four bayonet-wielding grenadiers, who liberated the miscreant. The leader of this gallant expeditionary force, a sergeant, asked the constable how far it was to the house of 'that damned son of a whore the justice', and threatened to cut

him in pieces. Fortunately, this was just bravado and had no serious consequences. Nevertheless, the rescue was a flagrant disregard of the processes of local justice. No disciplinary action was taken by the Taunton garrison, and Ewens was still at large and causing trouble in Milverton in 1687.

William Shattock, an alehouse keeper in the village, deposed before justice John Sandford on 28 March,

About five weeks since James Ewens...came to this informant's house and after his usual custom of blasphemous swearing and cursing did... swear that if... George Ferris took away the tree in Butt's way he would fire his house.

Being told that if he did so Ewens might set the whole village alight, he replied that '*he would get a grenadoe and blow his [Shattock's] house or tear it to pieces*'. Later, in the company of two other soldiers, he came again to the deponent's house 'and had a great quantity of beer and victuals which he never paid for'.

There was a catalogue of similar incidents in the following weeks. A man and a woman were gratuitously threatened at bayonet point; next Ewens broke into the house of a widow, smashed a looking glass and a pot; and followed this up by wounding a neighbour in the throat. He forced a passing villager to mend a window he himself had broken during a drunken spree, and then with a comrade he stole an apron.

Boredom and isolation may go some way to explaining the grenadier's outrageous behaviour. It seems that the structure of the garrison at Taunton had partly broken down, and that Ewens was

quartered in Milverton. On one occasion he swore that 'if the soldiers did not come and relieve him he would never go to camp with them'. In another moment of engaging lucidity, describing one of his crimes, he said 'twas no hanging matter...they can but send me to gaol where I would rather go than to my Regiment again'. Deferentially rounding off his speech, he told a witness that he would kill him 'if he went to fetch a justice...Damn him he did not care, if he saw him [the justice] he would cut him to pieces'. It is needless to speculate on the popularity of the standing army amongst the inhabitants of Milverton and the local magistrates.

The regular military was a source of grievance, but what of the militias? The evidence is slight for Somerset and Wiltshire, and only a little better for Dorset.⁽⁵⁵⁾ It seems that James was prepared to neglect the local forces to the point at which they ceased to be of any use, even in an ancillary role. Sunderland had promised during the rebellion in June 1685 that the militia troopers would receive regular soldiers' pay from central government for service beyond the statutory fourteen days. But this promise was not honoured, and the money was never forthcoming.⁽⁵⁶⁾ On 25 May 1687 the secretary wrote to the earl of Bristol, commanding him not to muster the Dorset militia without express order from central government.⁽⁵⁷⁾ As the militia had not been mustered since the rebellion, time, effort and money would already have been required to get the county forces back in order: the directive from London ensured that when needed the Dorset militia would be wholly incapable of responding.⁽⁵⁸⁾ It is

not known if similar orders were sent to Somerset or Wiltshire, but there is no record of any militia activity in these shires between 1686 and 1688. (59)

The remodelling of the lieutenancies, which occurred simultaneously with that of the commissions of the peace between December 1687 and June 1688, has to be seen in the light of this desuetude. The alteration of personnel was not aimed so much at putting effective military power in the hands of friends, so much as depriving opponents of the opportunity of raising armed forces through the recognised machinery of the county militias.

Two sets of changes were made to the Somerset lieutenancy. The first, in December 1687, seems to have been on the initiative of the catholic lord lieutenant, Lord Waldegrave (who had replaced the duke of Somerset in August of that year), even before returning his report to Whitehall on the disposition of his subordinates. (60) The purge was swingeing. Fourteen of the eighteen deputies were dismissed, for whom Waldegrave appointed only nine replacements. (61) Of the new deputies, only Sir Thomas Bridges had first hand knowledge of lieutenancy work. Those they replaced were highly experienced militiamen. Sir Halswell Tynt, Edward Berkeley, Sir Edward Phelps and Sir Francis Warre had all commanded militia regiments (as had Sir William Portman in Dorset). John Prowse, Sir Edmund Wyndham and George Horner had all been lieutenant colonels or majors. (62) The second alteration took place in February. Francis Poulet, one of the survivors in December, lost his place as did two of the newcomers, Charles Steyning and Baldwin Malet, who obviously refused to collaborate.

At the same time two more deputies were commissioned: John Harrington, who had not acted in a military capacity since Cromwellian days, and Thomas Moore, the great patron of dissenters, who was an inexperienced septuagenarian.(63) The final result of the remodelling was a smaller, older and less experienced lieutenancy, which nevertheless contained only one catholic, John (probably Francis) Ankethill.

Catholics were more prominent in the reformed Dorset lieutenancy. Unlike Waldegrave, the earl of Bristol did not take the initiative in the regulation. His tardiness in returning the answers to the Three Questions to London meant that new commissions were not issued until late May. Of twenty deputies, seventeen were dismissed and fourteen new ones were nominated to replace them.(64) Out went the men who had formed the backbone of the county forces. Thomas Erle and Thomas Strangways, who had commanded the eastern and western regiments during Monmouth's rebellion, were principal among them. (65) This left a total of seventeen deputies, four of whom were catholics, and only five of whom had previous militia experience. In view of the order which Bristol received at the end of the month, it was obviously not intended that the novices should acquire any experience.

Not until June was the Wiltshire lieutenancy affected by the purge. The number of deputies in the shire was reduced from twenty-four to fifteen. Twenty were purged and only eleven replacements made, of whom as many as six were catholics.(66) The experienced and capable colonel John Wyndham, Sir Henry Coker and Henry Chivers were retained, and a professional soldier, colonel

Bernard Howard (a younger son of the earl of Arundel), was among the new deputies, giving the Wiltshire lieutenancy a more effective look than those of Somerset or Dorset. (67)

Of the Somerset and Wiltshire militias during 1688 we know nothing. It is impossible to say whether the new deputies carried out a purge of commissioned officers (those purged deputies who had held commissions were automatically displaced). But from the Dorset evidence, and that from other areas in the west, it seems likely that the officers already dismissed were not replaced, nor any further purge effected, and that by October 1688 the western militias were totally inoperable.

In June 1688 the dispirited earl of Bristol, having been at least nominally responsible for the removal of his fellow tories from all civil and military posts in Dorset, vainly tendered his resignation as lord lieutenant. He wrote in September:

In my letter of sixth of June I signified that I had called in all the deputations according to my directions, and that most of those gentlemen being officers of the militia, they would also deliver up their commissions, which they did. Not knowing any others fit for their commands, I desired you (Sunderland) to beg His Majesty to excuse me as Lord Lieutenant. (68)

The chaotic state of royal administration in the summer of 1688 is borne out by the subsequent events. On 7 July a warrant was issued for a commission for the catholic privy councillor, Henry, Lord Arundel of Wardour, to replace Bristol as lord lieutenant. (69) After this nothing was heard until Bristol's letter of 29 September, which made it clear that he did not know what what was going on: '...Election writs were sent to me to pass on to the

sheriff, which I have done...by this I assume I am still lord lieutenant of the county'. Bristol was puzzled. As he had received no positive reply to his June letter, he had assumed that his resignation had been accepted. He had 'not acted since, so at present there (was) no deputy lieutenant or militia officer in the county...'. (70) Without referring to Arundel's commission, Sunderland replied insouciantly that could see no reason why Bristol should not act as lord lieutenant, 'especially seeing as (he was) fully empowered to make deputy lieutenants'. The secretary was full of confidence that Bristol would 'easily prevail with those gents to accept their commissions again'. In addition, the lord lieutenant was to call such of the militia horse as he could confide in to protect the shire while the county foot was re-constituted. (71) The U-turn had begun. The militia purge effected less than four months before was to be reversed, as the threat of an Orangist invasion loomed ever larger.

The neglect of three years, and the alienation of the county gentry, rendered the swift reconstruction of the Dorset militia an impossibility. Bristol knew this. In the short term he feared that the absence of many ex-deputies and ex-officers from the shire would prove a problem, but when he did confront the gentry, at a meeting in Dorchester on 18 October, he faced greater difficulties. (72) He wrote to Sunderland:

On Thursday 18, I met the gentlemen at Dorchester according to my appointment. There was a great appearance of them and a seasonable readiness to serve the King. And I proposed to them that have lately been removed, the accepting of deputations and commissions again. But they say the militia having been some time laid aside, the people charged are unprovided of Arms and coats and that the soldiers must all be new listed and sworn and

that it will take two or three months time to make a new regulation. And besides a month's pay having been advanced by the country in the time of Monmouth's rebellion, another month's pay cannot legally be raised on any invasion till that is reimbursed them by the King. And they engaged me to desire your Lordship to lay these things before the King...On this condition I managed to prevail upon them to return to their former stations and did yesterday send deputations and commissions to Sir William Portman and Colonel Strangways to be colonels of the two regiments of foot... and they accepted them. And as soon as I can find officers to command the two troops of horse I will send them commissions. (73)

Orders were issued from Whitehall on 30 October for the lieutenancies to monitor the coasts and remove all cattle and horses twenty miles from the scene of any attempted landing place. (74) But no efforts had been made in London to satisfy the grievances of the recently re-commissioned Dorset militia officers by the time news of the Prince of Orange's landing in Devon reached Sherborne, on 6 November. Bristol immediately sent for his deputies and the two colonels of militia foot. Their disposition was unco-operative. They reiterated their complaints of October, and refused to act until the county received redress for its outlay in 1685. Receiving no reply from Sunderland the earl of Bristol appealed to secretary Middleton. (75) The attitude of the townsmen of Sherborne (Bristol's seat) was even less co-operative, for on the day news arrived of the landing, they set upon and wounded some regular soldiers under the command of colonel Courtney. (76)

The King's cause was even more precarious in Somerset, where the militia simply did not exist. On 6 November, as yet ignorant of William's landing, but sure it would take place in the

west, James appointed Ralph, Lord Stawell, as lord lieutenant of the county.(77) This choice was particularly inept. The weakness of Stawell's hand testifies to the reason for his refusal of the post: 'I would most willingly perform my duty, but could His Majesty see my unfortunate condition...having been three years under the chirurgeon's hand, he would know me unfit for what he mentions...I cannot go without being led or carried...and seldom able to write my name'.(78) This is by no means the only example of the alarming ignorance of local affairs exhibited by the government of James II, but the intention of commissioning a cripple to lead a non-existent militia has a charm all of its own. (It must be noted that Stawell's infirmity did not preclude him from signing the address of the Somerset gentry delivered to William on 15 November) (79)

The only hope of defending Somerset from the advance of the Prince's regulars was the use of troops from the lieutenancies of the loyal duke of Beaufort, which extended northwards and westwards from Bristol and Gloucestershire. On 7 November the duke wrote from Bristol: '...When I heard that Orange's ships were heading north past Dover, I thought that my presence and a company of militia would be sufficient to keep this place quiet'. William, however, had turned west, and 'considering the disaffection in the next county [Somerset]', and of its militia, Beaufort's position now seemed weak. If he received a royal command, as he had done during Monmouth's rebellion, to march his militias out of their own counties, Bristol may be saved, as it was then. But here was the crux. As in Dorset, James' reluctance to pay old debts cost

him dear. Beaufort commented on the militias under his command,

They are still not obliged to follow at the county's charge till the King has reimbursed the month's pay they furnished and was quite exhausted and spent throughout the whole lieutenancy in that rebellion...Which I acquainted Lord Sunderland with upon the first letter by the King's command to me.

It was too late to raise, equip and move his militias to Bristol's defence. The city's loss was inevitable. The duke's words are a telling indictment of James II's monarchy.

This place is extremely considerable and yet, as the King knows, is very incapable of defence without men in it when come to attack it, if all were friends within, which I do really believe in my conscience not one in twenty is...If His Majesty thinks this place worth rescuing he would send down a force to do it, for the militia is not in the present circumstances to be built upon. I shall always be ready to do my duty...but I cannot create men nor can I master of their minds, nor have I a force to compel them...it is a terrible thing to undertake, a thing whereon lies an impossibility of coming off with honour, (which the defence of this place would be) with a small, slighted, disaffected and, at best, inexperienced militia...I therefore ask for some other post.(80)

The King now had to rely totally upon his standing army, without the important ancillary services that an effective militia could have provided. The value of an operative county force in Somerset was emphasized by a letter from Harry Bridges at Wells. The loyal gentleman gave fulsome advice on how the shire could best be protected. Bridgwater and Ilchester, places of vital strategic importance, should be fortified, and a series of specified bridges destroyed. This would leave only a narrow corridor in the county through which the enemy could pass, 'from Crewkerne to the coast being unfit for their carriages'.(81) The militia would have been ideally suited to such work, but there was

no militia. As it was, Keynsham bridge, which had been so important during Monmouth's rebellion, had to be destroyed by a party of regular horse under the command of Sir John Fenwick. (82) Beaufort pleaded in vain to keep Fenwick's horse. He had no militia horse at all in Bristol, and what foot there was had 'spent their days' muster, upon which (he) hedged in duty to save the King's charge...(but) must shortly come into the King's pay'. (83) He needed regulars; he had been promised regulars; but Fenwick's horse was withdrawn. Five days after the desertion of Churchill, Grafton, and Berkeley, had sealed James' fate, Beaufort finally left Bristol. He planned to retreat deep into his own lieutenancy and raise forces there. (84) The south-west was lost.

The most recent historian of James II's army describes the King's strategic response to the landing in the west as 'flexible'. (85) It may be more adequately characterized as totally inflexible. Deprived of the auxillary services that nearly 15,000 militiamen could have provided, the King had no means to prevent William from establishing a bridgehead unmolested, refreshing and provisioning his seasick troops without any interference, and no means to block a northward thrust through the Bridgwater corridor and Bristol. Because he had no effective auxillary force, James was compelled to hand the initiative to the Prince of Orange, and rely on the outcome of one-set piece battle, which was never to occur. He had now paid the military price for alienating the western gentry. (86)

Footnotes to III, (iv): The Militias and the Army 1685-88.

1. Clifton, Last Popular Rebellion, pp. 154-8.
2. B.L., Harl. MSS, 6845, fo. 284.
3. C.S.P.D. 1685, pp. 177-8.
4. B.L., Add. MSS, 41,803, fo. 292.
5. H.M.C., Third Report, Appendix, p. 96.
6. B.L., Harl. MSS, 6845, fo. 285. Henry Bull to Thomas Durston, 6 June 1685, Bull/Shapwick MSS, DM 155, fo. 146.
7. B.L., Harl. MSS, 6845, fo. 252. The mayor of Lyme, Gregory Alford, rode to Honiton and then on to London at about the same time. Add. MSS, 41,803, fo. 292.
8. B.L., Add. MSS, 41,803, fos. 294, 303.
9. B.L. Harl. MSS, 6845, fo. 285.
10. The rebel horse had been sent east to disperse a party of constables, which was rumoured to be stopping potential recruits reaching Lyme. Both sides claimed a victory in this encounter. B.L., Add. MSS, 41,803, fo. 303; Harl. MSS, 6845, fo. 275.
11. B.L., Harl. MSS, 6845, fos. 275, 287.
12. B.L., Add. MSS, 41,803, fo. 308; Harl. MSS, 6845, fos. 276v, 285v.
13. C.S.P.D. 1685, p. 194. B.L. Harl. MSS, 6845, fo. 285v. Because of Sir William Portman's indisposition, Thomas Erle continued in command of the eastern regiment.
14. On the evening of the fourteenth Taunton was re-garrisoned by colonel Stawell's regiment, which brought with it a wagon load of ammunition. B.L., Harl. 6845, fo. 287.
15. B.L., Harl. MSS, 6845, fo. 277.
16. This is based upon the version given to the duke of Somerset by Luttrell, Phelps and Will Lacy, in H.M.C., Stopford-Sackville, I, 1. Lord Churchill believed that both regiments had advanced to Axminster, H.M.C., Third Report, Appendix, p. 97.
17. H.M.C., Stopford-Sackville, I, 1; H.M.C., Third Report, Appendix, p. 97. Thynne MSS, XXII, fo. 172.
18. H.M.C., Stopford-Sackville, I, 1.
19. H.M.C., Third Report, Appendix, p. 97.

20. Ibid
21. B.L., Harl. MSS, 6845, fo. 277.
22. H.M.C., Stopford-Sackville, I, 1-2.
23. B.L., Harl. MSS, 6845, fo. 277.
24. B.L., Harl. MSS, 6845, fo. 287.
25. H.M.C., Stopford-Sackville, I, 2.
26. H.M.C., Third Report, Appendix, p. 97. Beaufort replied that he was already under orders to protect Bristol; Albemarle was reluctant to leave the safety of Devon; and Kirke, who was in command of an infantry regiment and 350 dragoons, was not prepared to accept orders from a civilian.
27. H.M.C., Third Report, Appendix, p. 97.
28. H.M.C., Third Report, Appendix, p. 98.
29. Thomas Allen to Viscount Weymouth, 20 June, Thynne MSS, XXII, fo. 172. H.M.C., Stopford-Sackville, I, 3.
30. Clifton, Last Popular Rebellion, pp. 170-1. C.S.P.D. 1685, pp. 207-8. On 22 June Lord Churchill was authorized to raise another regiment of Dorset militia, but it is unlikely that he did so.
31. Clifton, Last Popular Rebellion, pp. 170-1.
32. A detachment of Churchill's horse scattered a rebel scouting party in the Neroche Forest (just to the south of Taunton) on 19 June. B.L., Harl. MSS, 6845, fo. 277v.
33. H.M.C., Third Report, Appendix, pp. 97-8.
34. H.M.C., Stopford-Sackville, I, 4.
35. Thynne MSS, XII, fos. 168, 171. Adam Wheeler, 'Iter Bellicosum: or a perfect relation of the...march..', Camden Soc., XVIII (1910), 155-66.
36. J.Martin to William Moore, 27 June 1685, quoted in G. Davies, 'The Militia in 1685', E.H.R., CLXIX (1928), 604-5.
37. A. Wheeler, 'Iter Bellicosum', pp. 159-60.
38. Thynne MSS, XXII, fo. 172.
39. Thynne MSS, XXII, fos. 172, 176, 177, 181, 185.
40. If the duke of Somerset had completed the destruction of Keynsham bridge, as ordered, Monmouth would not have been in a position to

carry out such an attack. Clifton, Last Popular Rebellion, pp. 182-3.

41. H.M.C., Stopford-Sackville, I, 11.
42. Wheeler, 'Iter Bellicosum', p. 160.
43. Clifton, Last Popular Rebellion, p. 193.
44. H.M.C., Third Report, Appendix, p. 99.
45. Wheeler 'Iter Bellicosum', pp. 162-3.
46. J.H. Childs, The Army of James II and the Glorious Revolution, (Manchester, 1980), p.7. 'The Autobiography of Sir John Bramston', ed. Lord Braybrooke, Camden Society, o.s. XXXII, (1845), 205. J. Miller, 'The Militia and the Army in the Reign of James II', Historical Journal, XVI (1973), 659-679. Western, Eighteenth Century Militia, pp. 19-59.
47. Miller, James II, p. 142. L.G. Schwoerer, No Standing Armies!, (John Hopkins, 1974), pp. 140-6. Grey Debates, XIII, 357.
48. H.M.C., Fortescue, I, 33.
49. Schwoerer, No Standing Armies!, p. 145.
50. On the unpopularity of the Red Coats in 1682 see Bull Shapwick MS DM155, fo. 153. During the winter of 1686-7 there were still garrisons stationed at Bristol, Bridgwater, Somerton and Taunton. Childs, The Army, James II and the Glorious Revolution, p. 16.
51. Sunderland to the mayor of Bridgwater, 1 Aug. 1685, SP44/56, p.270.
52. Sunderland to the duke of Somerset, 7 Dec. 1685, SP44/56, p.306. Somerset to Sunderland, 14 Jan. 1686, H.M.C., Third Report, Appendix, p. 100
53. Earl of Bath to Sunderland, April 6 1686, C.S.P.D. 1686-7, p. 94.
54. This account is based on informations taken by Ferrers Greisley and John Sandford between 14 Dec. 1686 and 28 Mar. 1687, S.R.O., Q/SR/168, fos. 10v-14.
55. The State Paper references to the western militias are very sparse.
56. Sunderland to the earl of Feversham, 22 June 1685, SP31/2/29-30.
57. Sunderland to the earl of Bristol, 25 May 1687, SP44/56, p. 373.
58. Earl of Bristol to Gregory Alford (mayor of Lyme), 2 Aug. 1686, D.R.O., Correspondence of Lyme Corporation, B7/D2/1, (unfoliated)

This letter informed Alford that Bristol intended to hold no musters during 1686.

59. Bath R.O., Chamberlain's Account Rolls 1685-8. Bath musters and the disbursements made to the commander of the city company are reliably recorded in these rolls. The last Bath muster of the reign was held in October 1685, Roll 130.
60. P.R.O., C231/8, p. 178. For the remodelling of the Somerset militia see Duckett, Penal and Test, II, 10-16, 273-4, 292-3. SP44/165, pp. 3, 17.
61. Viscount Fitzharding, William Lacy, Francis Poulet and Sir William Bassett were retained. Those excluded were Sir Will Portman, Sir Ed. Wyndham, Sir Halswell Tynt, Sir Francis Warre, Sir John Smyth, Francis Luttrell, George Horner, Thomas Wyndham, John Piggott, Nathaniel Palmer, John Prowse, Edward Gorges and Edward Berkeley. I also include Sir Edward Phelips in this list for there is no record of his dismissal between 1685 and Dec. 1687. The new deputies were Sir Hugh Tynt, Sir Thomas Bridges, Edward Strode, Edward Clerke, Robert Syderfin, Baldwin Malet, Warwick Bampffield, John(Francis)Ankethill† and Charles Steyning. († signifies a catholic). This group contained at least six whigs.
62. C.S.P.D. 1687 9, p. 62.
63. Harrington was moderate in politics, respected on all sides, see above pp.198-9. For Moore see p. 157.
64. Dorset remodelling. Duckett, Penal and Test, II, 36-8, 262. SP44/164, pp. 184-5; 165, p.145.
65. Only Sir Nathaniel Napier, Sir Henry Butler (rather surprisingly in view of his dismissal as recorder of Shaftesbury) and Thomas Freke survived. Displaced were John, Lord Churchill, Sir Will. Portman, Sir Winston Churchill, Thomas Strangways, Francis Luttrell, Thomas Erle, Robert Coker, Edward Miller, Will Strode of Parnham, Richard Fownes, George Ryves, Thomas Chafin, Will Okeden, Francis Mohun, Thomas Chafe, Henry Constantine, and John Ironside. The new deputies were Sir John Morton, Sir James Webbt, Sir John Arundelt, Michael Harvey, Richard Broadrepp, Thomas Moore, Henry Henning, John Mitchell, Gerard Napier, John Lawrence, George Hussey†, George Pennet and Robert Seymour. († signifies a catholic).
66. SP44/164, p. 175; 165, p. 49. Those retained were John Wyndham, Sir James Long, Sir Henry Coker and Henry Chivers. Displaced were the earl of Worcester, Lord Coleraine, Thomas Penruddock, Richard Lewis, Edmund Webb, John Young, Will Hearst, Henry Clerke, George Wroughton, Thomas Lambert, Sir John Talbot, Sir Richard Grobham Howe#, Sir Thomas Mompesson#, Sir Charles Rawleigh, Sir Edmund Warneford, Henry Baynton, Maurice Bockland, Henry St John and Alexander Thistlethwaite. (# whig deputies dismissed in 1681, who

had trimmed and been restored in May 1685). The new deputies were Richard Chandler, Sir Gilbert Talbot (who unlike his nephew Sir John was deemed loyal), Thomas Arundelt, Henry Arundelt, Col Bernard Howardt, Sir James Webbt, Sir Anthony Browne, Charles Cottington, William Trenchard, Lionel Duckett and Sir John Collins. (†signifies a catholic).

67. Bernard Howard was a lieutenant colonel in Major General Werden's regiment of horse. C.S.P.D. 1687-9, p.237.
68. Bristol to Sunderland, 29 Sept., SP31/4/81.
69. In mid-June Sunderland tried to persuade Bristol not to resign, but did not state that the resignation had been refused. Sunderland to Bristol, 14 June, SP44/56, p. 422. The warrant for Arundel's commission is recorded in SP44/165, p.55. It seems unlikely that the commission was ever issued, as there is no mention of it in the Crown docquet book, P.R.O., C231/8.
70. SP31/4/81.
71. Sunderland to Bristol, 2 Oct., SP44/56, p. 446.
72. Bristol to Sunderland, 8 Oct., SP31/4/100.
73. Bristol to Sunderland, 20 Oct., B.L.,Add. MSS, 41,805, fo. 72.
74. Letters to various lord lieutenants, including the earl of Bristol, 30 Oct., SP44/97, pp. 6-7.
75. Bristol to Middleton, 6 Nov., B.L.,Add. MSS, 41,805, fo. 120.
76. Middleton to Bristol, 8 Nov., SP44/97, p.14.
77. C.S.P.D. 1687-9, p.342.
78. Lord Stawell to ? Middleton, 8 Nov., B.L.,Add. MSS, 41,805, fo.165.
79. Green, The March of William of Orange through Somerset, p.58.
80. Beaufort to Middleton, 7 Nov., B.L.,Add. MSS, 41,805, fo. 156.
81. Harry Bridges to Middleton, 12 Nov., B.L.,Add. MSS, 41,805, fo. 186.
82. Middleton to Beaufort, 12 Nov., C.S.P.D. 1687-9, p. 347 For the importance of Keynsham bridge in 1685 see Clifton, Last Popular Rebellion, pp. 180-4.
83. Beaufort to Middleton, 13 and 14 Nov., B.L.,Add. MSS, 41,805, fos. 196, 205.
84. Beaufort to Middleton, 28 Nov., B.L.,Add. MSS, 41,805, fo. 293.

85. Childs, The Army, James II and the Glorious Revolution, p.173.
86. Even during the chaotic early days of Monmouth's rebellion, the presence of county militia forces had to some extent dictated the duke's strategy. It would be a mistake to equate the raw volunteers that joined Monmouth with Orange's regulars but, without doubt, the Prince's road to Salisbury plain would have been more trying if local militia units had been able to harry his progress.

CONCLUSION

The foregoing chapter has attempted to explain why, with the exception of a minor skirmish at Wincanton on 20 November, William's invasion and march through the west country was accompanied by so little bloodshed.(1) In 1685, however ineffectively, the western gentry had stood by James; now they abandoned him *en masse*. Within ten days of the landing the leading men of Somerset were joining the Prince at Exeter. These included the tories Sir Francis Warre, Sir William Portman, Francis Luttrell, Thomas Wyndham, Nathaniel Palmer; and the whigs Baldwin Malet, Mr Speke (probably John), and Warwick Bampffield.(2) On 15 November the Somerset gentry produced an address to William, stating the basis of their support, and expressing the depth of their feelings:

We whose names are hereunto subscribed, who have now joined with the Prince of Orange for the defence of the Protestant Religion, and for maintaining the ancient Government and the laws and liberties of England, Scotland and Ireland, do engage to Almighty God, to his Highness the Prince of Orange, and to one another, to stick firm to the cause and to one another in the defence of it, and never to depart from it until our religion, our laws and liberties are so far secured to us in a free Parliament, that we shall be no more in danger of falling under popery and slavery. And whereas we are engaged in this common cause under the protection of the Prince of Orange, by which means his person may be exposed to dangers, and to the desperate cursed attempts of papists and other bloody men:- We do therefore solemnly engage to God and to one another, that if any such attempts are made upon him, we will pursue not only those that make them, but all their adherents and all that we find in arms against us with the utmost severity of a just revenge to their ruin and destruction, and that the execution of such attempts (which God of his mercy forbid) shall not divert us from prosecuting this cause, which we now undertake, but that it shall engage us to carry it on with all rigour that so barbarous a practice shall deserve against all persons whatsoever, the king's sacred person only excepted.(3)

The Prince of Orange is seen in this address not so much as a future king, but as the champion of 'the cause' of English liberties, both religious and political. It confirms the breadth of the appeal against the government and policies of James II among the provincial elites of the west (without calling for the deposition of the King). Both hard-line tories (including four of the militia colonels who had fought against Monmouth) and whig collaborators signed the address.(4) William's supporters in Somerset and Dorset were headed by the most powerful men in those shires. Viscount Fitzharding, who played host to William at Bruton, and the duke of Somerset, had not forgotten the indignities they had suffered over the past eighteen months. Sir William Portman, whose influence spanned both counties, soon persuaded his colleagues in the Dorset militia, the earl of Bristol and Thomas Strangways, to raise the county forces for the Prince. With the help of colonel Thomas Erle, the Dorset militia had secured Dorset for Orange by the end of November.(5) So complete was the opposition of the western gentry to James that secretary Middleton complained from Salisbury on 23 November that: 'It is not to be admired that we have little intelligence, since none of the gentry of this or adjacent counties come near the Court...'.(6)

Compromise was not in James' nature; he had demonstrated no political skill in nearly four years of rule, and in December 1688 he ran away from the ruins of a once sound inheritance. His

alienation of the Anglican provincial governors was the root cause of this catastrophe. (7)

The three broad questions adumbrated in the introduction to this thesis have now been tackled as far as the available time and evidence allows. The Restoration state has emerged from this study as a rickety affair. It proved impossible for central government to create an effective revenue service based upon the co-operation of the county gentry. Fiscally, the 1660s was a disastrous decade. Slow improvement was only made possible during the 1670s by increasingly efficient centralization, and a steady rise in the volume of trade. A similar degree of central government interest was absent from the other nationally important concerns of local government. The western militias never appeared capable of performing their nominal duty - forming part of an effective national defence force. When finally tested in 1685, this impression was confirmed. The implementation of religious policy in the 1660s and 1670s was conditioned by the opaque objectives of the Crown, which encouraged and discouraged the persecution of nonconformists by turns throughout the two decades. The same confusion was apparent in the treatment of the corporations. After the regulation of corporation personnel carried out in 1662 little more was done to challenge the jurisdictional, and hence religious, freedom enjoyed by the inhabitants of the corporate towns. The very weaknesses here described may have contributed to the domestic political stability of the 1660s and 1670s. In all probability consistent application of a rigid religious policy,

the destruction of the liberties of the corporations, and a ruthlessly effective tax-machine would have put an intolerable strain upon the ambiguous political compromise of 1660-2, and upon a struggling economy, which was further hit by plague and naval war.

The Exclusion Crisis exposed the fragility of the Restoration political settlement, and entailed the political polarisation which Charles had sedulously attempted to avoid. In the west the county gentry were forced to make the choice between outright opposition to the policies of the Crown (with dangerous overtones of Parliamentaryism, populism and religious dissent), and the security offered by adherence to the King and the Church: for the most part they chose toryism. The bitterness and suspicion aroused by the crisis ensured that whichever side triumphed would seek to cement its victory by the regulation of the personnel of local overnment. The identification of dissenters and the corporations with the whig cause also ensured that these would become the principal victims of the Tory Reaction. The result of this holy Anglican coalition between Crown and provincial gentry was that Charles II came much closer to achieving the goals of Charles I than his unfortunate father had done. He ruled for four years without parliament (seven without a grant of extraordinary taxation); and in a nation more deeply divided, politically and religiously, than his father had inherited, he managed to impose a creditable degree of uniformity. Yet all this was hardly by design, being the product of the conjunction of a king looking for a policy and the provincial ruling class looking for security. It

was assuredly not the product of efficient central government. Although better informed upon the affairs of the west country than it had been since 1660, the dealings of central government with the localities were still characterized by ignorance, inertia and incompetence; but now its objectives were understood and shared by the rulers of the counties, these failings mattered less.

James II failed to appreciate that toryism was a social, religious and political philosophy, and not a personality cult. The support of the tory gentry for the Crown was conditional. The tories had not rallied to his standard during the Exclusion Crisis because they craved a catholic king. James forfeited the loyalty of the gentry because he challenged the monopoly of the Anglican Church. He compounded this sin by conforming to the stereotype of the popish sovereign: he let the militias wither away, removed the tories from their positions of command, and chose instead to rely on a large standing army; he carried out a sweeping purge of county government; and he drove the Anglican gentry from their newly-established positions of power in the corporate towns.

Footnotes to Conclusion

1. Green, The March of William of Orange Through Somerset, p. 62.
2. Luttrell, Historical Relation, I, 478. Green, Orange Through Somerset, p. 57.
3. Green, Orange Through Somerset, p. 57.
4. The most distinguished of the forty-seven signatories recorded by Green were Fitzharding, Lord Stawell, John (?William) Portman, Sir John Smythe, George Horner, Edward Berkeley, Thomas Gorges, Thomas Mompesson, Hugh Hellier, John Pigott, Edward Baber, Henry Mompesson, Henry Walrond, John Bayly, George Musgrave, Warwick Bampffield, Henry Roynon, John Sanford, John Prowse, Nathaniel Palmer, and Edward Hobbes. Orange Through Somerset, p. 58.
5. Luttrell, Historical Relation, I, 482. House of Commons, I, 633; II, 102, 269, 533; III, 108, 128-9, 267, 500.
6. Middleton to Lord Preston, C.S.P.D. 1687-9, p. 360.
7. James was not so stupid that he did later not realise the reasons for the catastrophe. During 1689-90 when he was in Ireland he was concerned above all to conciliate Protestant English opinion, to the irritation of his Gaelic Catholic supporters. J.G. Simms, Jacobite Ireland 1685-1691 (London, 1969), pp. 74-94.

Epilogue

This dissertation commenced with the recognition that much work needed to be done on the government of the localities after 1660, and this is still the case, particularly with reference to the lower tiers of county government: Stephen Roberts' excellent work on Devon between 1646 and 1670 points the way here. We need to know more about the activities of the justices of the peace in day-to-day administration, and about their execution of the new settlement legislation and game laws. It will, I suspect, be some time before the necessary patchwork quilt of local studies (with different orientations) gives us an understanding of the Restoration period equal to that which we have for the first half of the century.

Our ignorance of the localities in the period after the Revolution of 1688/9 is even greater. 1689 itself is a difficult year for the local historian simply because of the paucity of records; but thereafter the records are again good. The shattering impact of the Revolution on the rival political groupings of the 1680s, the further neglect of the militias (in view of the standing army debates), the consequences for county government of the greatly expanded commissions of the peace which characterized the 1690s, and the effect of the massive increase in taxation attendant on William's war with Louis XIV, appear to be particularly fruitful areas of inquiry for the historian of the localities.

SELECT BIBLIOGRAPHY

I. MANUSCRIPT SOURCES.

Bath Record Office, the Guildhall, Bath.

Council Minute Book II, 1649-84.
Council Minute Book III, 1684-1711.
Chamberlains' Account Rolls nos. 103-133, 1661-1688.
Transcripts of the Charters of the City of Bath made by P.R. James, 1942.

Bodleian Library.

MS Arch. f. c. 6. Lists of proposed J.P.s drawn up by the regulating committee in 1688.
MSS Carte 140, 165 Ormonde.
MS Rawlinson A.139 A Answers to the Three Questions 1688.
MSS Tanner 129 Collection of Letters and Papers relating to the diocese of Bristol.
143 Diocese of Salisbury.

Bristol Record Office, the Council House, Bristol.

Ashton Court MSS.

Bristol University Library

DM 155, Bull/Shapwick MSS. (correspondence of William and Henry Bull).

British Library

Additional MSS:	15,663	Topographical Collections. (Contains a schedule from Jeffreys to the sheriff of Somerset for the execution of convicted rebels in 1685, listing the parishes where each convict is to be executed).
	20,739	Recusants convicted in the reign of Charles II (1663-1671).
	21,947	Correspondence of the duke of Richmond and Lennox, I, 1661-70.
	21,948	Vol. II, 1671-73.
	24,484	Britannica Puritanica.
	24,485	Biographies of dissenting ministers.
	28,569	Letters of the Saville and Finch Families 1626-1720.
	28,877	Ellis Papers, III.
	29,563	Hatton-Finch XIV.
	30,077	Constables' returns of Monmouth rebels.
	32,094/5	Malet Papers.
	32,324	Seymour Trowbridge Papers 1614-65.
	32,679	Papers of the Families of Holles and

	33,859	Marlborough John Smyth Collections Relating to the County of Gloucester.
	37,990	Miscellaneous Letters etc of William Blathwayt and Lord Conway 1674-83.
	38,018	Somerset Arms Seventeenth Century Including visitation of 1672.
	41,803	Middleton Papers, Vol. I.
	41,804	Vol. II.
	41,805	Vol. III.
	46,373B	Harrington Papers Vol. IX.
	46,845G	Humble Address of the Nobility and Gentry of the County of Dorset, June 1660.
Egerton MSS:	2231	Correspondence of John Aubrey 1662-95.
	2537	Nicholas Papers.
	2538	
	2557	Commissions of the Peace in 1661.
Harleian MSS:	6854	Historical Papers C16-C17 (Papers relating to Monmouth's rebellion fos. 252-96).
Stowe MSS:	202	Correspondence of the Earl of Essex, III, 1673.

Collections on Microfilm:

M 331 Alnwick MSS:
(Consulted by kind per-
mission of the duke of
Northumberland)

550 Letter Book of John Fitzjames 1653-
1668.

M 863 Longleat, Coventry
MSS: Vol. VII, Correspondence with Bishops.

M 904 Longleat, Thynne MSS Vols. X, XI, XII, XX, XXI, XXII, XXIII,
XIV, XXX.

Dorset County Record Office, Dorchester

Quarter Sessions Minute Book 1669-87.
Quarter Sessions Order Book 1663-1674.
Quarter Sessions Order Book 1686-99.
D1/KG/1147 Commission of the Peace 6 April 1689.
D1/KG/1148 24 February 1680.
D1/KG/1496 13 February 1685.

D124 Fox/Strangways MSS: Box 233. Correspondence of Giles
Strangways. Correspondence of Thomas
Strangways.
Box 255. Militia Correspondence of Giles
Strangways.

NQ/1/A1 Minutes of the Dorset Quaker Quarterly Meeting 1668-1786.
NQ/1/A15 Quaker Book of Sufferings.

Bridport Records:

B3/H1 Red Book Called Domesday (Corporation Records 1453-1817).
B3/J4 Appointment of Bailiffs by the Corporation Commissioners 1662.
B3/J5 Appointment of Town Clerks 1683-1823.
B3/K8 Charter of 1666.
B3/L11 Letter from James Gould, Sheriff, to Bridport serjeant at mace
24 Jan 1688.
B3/M4 Bailiffs' Accounts 1659-93.

Dorchester Records:

B2/1/1 Quarter Sessions Minutes 1676-1723.
B2/2/1 Quarter Sessions Book 1676-1710 (this volume is in very poor
condition)
B2/16/3 Corporation Orders 1629-94.
B2/16/5 Corporation Minutes 1656-1677.

Lyme Regis Records:

B7/A3/1 Misdemeanour Book 1681-1751.
B7/A4/3 Sessions Roll 1660-85.
B7/A4/4 Sessions Roll 1685-9.
B7/B1/9 Lyme Court Book 1647-70.
B7/B1/10 Lyme Court Books 1670-92.
B7/B6/10 List of Freemen 1551-1777.
B7/B6/11 Register of Freemen 1569-1835.
B7/B6/15 Resignations, disfranchisements and orders for the
disfranchisement of freemen.
D1/1 Corporation Orders 1594-1671.
D2/1 Correspondence of the Town Clerk, Mayor etc 1570-1696.

Public Record Office (Chancery Lane)

ASSI 23/1 Western Circuit Assize Gaol Book 1670-77.
ASSI 23/2 1678-85
ASSI 24/22 Western Circuit Order Book 1652-1677.
ASSI 24/23 1677-1687.

C25 Interrogatories.
C66 Patent Rolls (various).
C193/12/3 *Liber Pacis* 1662-1664.
C193/12/4 1680-1683.
C193/12/5 1685.
C220/9/4 1660-1662
C231/7 Crown Docquet Book 1660-1679.
C231/8 1679-1700.

E 360/46, 139, Declared Accounts
174
E 377 Recusant Rolls.

PC2/55-72 Privy Council Registers, 1660-1688.

PRO 30/32/15 Leeds Papers: Customs establishment Midsummer 1673.
PRO 30/24/4,5,6A,
7, 42/56 Shaftesbury Papers.
PRO 31 Carte Transcripts.

SP29 State Papers Domestic Charles II.
SP31 State Papers Domestic James II.
SP44 Entry Books of the Secretaries of State.

Public Record Office (Kew)

CUST 18/3-25 Customs Establishments Christmas 1679-Midsummer 1688.

Treasury Records:

T4 Treasury Reference Books.
T11 Outletters Customs.
T27 Outletters General.
T51 Early Entry Books (covering Southampton's term as Lord
 Treasurer).
T52 King's Warrant Books.
T54 Warrants not Relating to Money.

Somerset Record Office, Taunton.

Q/JC/64-99 Commissions of the peace 1661-1689.
Q/SO/6 Order Book 1666-1676.
Q/SO/7 1676-1687.
Q/SO/8 1688-1708.
Q/SR/99-178. Sessions Rolls (mounted) 1661-88. They contain inform-
 ations and examinations taken by justices out of
 sessions.

Q/Si/120-199 Indictments 1669-1685. 'Conventicle Rolls' are numbers
 125, 126, 130, 131, 142, 145, 186.

Luttrell MSS.
Phelips MSS
Popham MSS
Sanford MSS.

Wiltshire Record Office, Trowbridge

A1/100/1 Commission of the peace 6 August 1688.
A1/110 Quarter Sessions Great Rolls 1660-1690. These rolls
 contain presentments, indictments, petitions to the
 court, informations and examinations, and recognizances

A1/150/11 Order Book 1654 -1668.
A1/150/12 Entry Book 1661-1665.
A1/150/13 1665-1671.
A1/150/14 1671-1677
A1/160/3 Order Book 1668-1678.
A1/160/4 1678-1700.

II. PRINTED SOURCES.

- J. Besse, A Collection of the Sufferings of the People called Quakers, (3 vols., London, 1753).
- H.C. Brenthall ed., 'A Longford Manuscript', in Wilts Arch. Mag., LII (1947), 1-56.
- F. Brown ed., Abstracts of Somersetshire Wills, (5 vols., 1887-90.).
An invaluable source for the Somerset gentry.
- W.E. Buckley ed. Memoirs of Thomas Earl of Ailesbury, (Roxburghe Club 1890), I.
- B.H. Cunningham ed., Records of the County of Wiltshire, being extracts from the Quarter Sessions Great Rolls from the Seventeenth Century (Devizes, 1932).
Some Annals of the Borough of Devizes (2 vols. Devizes, 1925-6).
- Calendar of Clarendon State Papers., V.
- Calendars of State Papers Domestic, 1659-1689.
- Calendars of Treasury Books, I-VIII.
- Commons Journals, VIII-X.
- Camden Society: First Series, XXXII (1845), ed. Lord Braybrooke, 'The Autobiography of Sir John Bramston'.
New Series, XXIII (1878), ed E.M. Thompson, 'Correspondence of the family of Hatton'.
Third Series, XVIII (1910), Adam Wheeler, 'Iter Bellicosum', 154-66.
Fourth Series, XXI (1978), ed., A.B. Worden, Edmund Ludlow, 'A Voyce from the Watchtower'.
- J. Coade, A Memorandum of the Wonderful Providences of God (London, 1849).
- W.A. Day ed., The Pythouse Papers (1879).
- Sir G.F. Duckett, Penal Laws and Test Act 1687-8, (2 vols., 1882)
- E. Dwelly ed., Hearth Tax for Somerset 1664-5 (Fleet, 1916).
- F.H. Goldney ed., Records of Chippenham...1554 to 1889 (1889)
- E. Green, The March of William of Orange through Somerset (1892).
Contains reprinted docs. mainly from Bodl. Rawl. A139 A.
- A. Grey, Debates of the House of Commons From the Year 1667 to the Year 1694 (10 vols., 1769).

Harleian Society, CXVII (1977), 'Visitation of Dorset 1677'.

His Grace the Duke of Monmouth Honoured in His Progress (London, 1680).

Historical Manuscripts Commission: Third Report, Appendix, Northumb-
erland and Phelips MSS.
Eleventh Report II, Lords MSS.
Twelfth Report, Appendix VI.
Fifteenth Report, Appendix VII,
Somerset/Ailesbury MSS.
Finch, II.
Fortescue, I.
Leybourne-Popham.
Ormonde.
Stopford-Sackville.
Var. Coll., I, Wiltshire MSS.
Var. Coll., IV, Salisbury Corp.
Wells Dean and Chapter II.

An Impartial Account of the Nature and Tendency of the Late Addresses
(London, 1681).

List and Index Society: IX (1898), 'List of Sheriffs for England
Wales to A.D. 1831.
CLIII (1979), 'Analysis of Hearth Tax
Accounts 1662-1665.
CLXIII (1980), 'Analysis of Hearth Tax
Accounts 1666-1699.

Lords Journals, XI-XIV.

N. Luttrell, A Brief Historical Relation of Affairs, I,
(Oxford, 1857 edn.).

G.W. Marshall ed., Visitation of Wiltshire 1623 (1882).

C.H. Mayo ed., Municipal Records of the Borough of Dorchester
(Exeter, 1908).
The Municipal Records of the Borough of Shaftesbury
(Sherborne, 1889).

C.A.F. Meekings ed., The Dorset Hearth Tax Assessments 1662-1664
(Dorchester, 1951).

H.J. Moule ed., Descriptive Catalogue of the Charters, Minute Books
and other Documents of the Borough of Weymouth and
Melcombe Regis (Weymouth, 1883).

Norfolk Record Society: XLV (1977), R. Minta Dunn ed., 'Norfolk
Lieutenancy Journal 1660-1676.

S. Palmer ed., Nonconformist's Memorial, (3 vols., 1802).

A Perfect List of all such persons as by commission under the Great Seal of England are now confirmed to be Custos Rotulorum, Justices of Oyer and Terminer, Justices of the Peace and Quorum, and Justices of the Peace...as they were approved of and allowed by the late Parliament after the readmission of the secluded members, together with an exact list of the commissioners for settling the militia..., printed by Thomas Leach (London, 1660).

Somerset Record Society: XXVIII (1912), 'Quarter Sessions Records for the County of Somerset, 3, Commonwealth'
XXXIV (1919), 'Quarter Sessions Minute Book 1666-76'.
LXXIX (1985), ed. W.McD. Wigfield, 'The Monmouth Rebels'.

Statutes of the Realm (1819), V.

R. Steele ed., Tudor and Stuart Proclamations (Oxford, 1910).

A True Narrative of the Duke of Monmouth's Late Journey into the West (London, 1680).

G. Lyon Turner ed., Original Records of Early Nonconformity under Persecution and Indulgence (3 vols., 1909-11).

J. Whiting, Persecution Exposed in some Memoirs (1715).

Wiltshire Arch. and Nat Hist. Soc. Record Branch, V (1949), ed. M.G. Rathbone, 'Wiltshire Borough Records before 1832'.

III SECONDARY SOURCES.

a) Published.

- E. Andriette, Devon and Exeter in the Civil War, (Newton Abbot, 1971).
- T.G. Barnes, Somerset 1625-1640: A County's Government during the "Personal Rule" (Cambridge, Mass., 1961).
- F. Bate, The Declaration of Indulgence (Liverpool, 1908).
- W. Bates-Harbin, Members of Parliament for the County of Somerset (Taunton, 1939).
- J. Batten, 'Somerset Sequestrations during the Civil War', Somerset Arch. and Nat. History Mag., IV (1853), 60-77, XVI (1870), 13-34.
- A.R. Bayley, The Great Civil War in Dorset 1642-60 (Taunton, 1910).
- R.A. Beddard, 'The church of Salisbury and the accession of James II', Wiltshire Arch. Mag., LXVII (1972), 132-148.
- 'The retreat on Toryism: Lionel Duckett member for Calne and the politics of conservatism', Wiltshire Arch. Mag., LXXIII (1980), 75-106.
- J. Besse, A Collection of the Sufferings of the People called Quakers (3 vols., London, 1753).
- S.T. Bindoff, 'Parliamentary history 1529-1688', in V.C.H. Wiltshire, V, 111-69.
- J. Britton ed. Aubrey's Natural History of Wiltshire (Newton Abbot, 1969 repr.).
- A.M. Broadley, 'The proclaiming of Charles II at Sherborne', Somerset and Dorset Notes and Queries, XIII (1913), 179-84.
- A. Browning and D.J. Milne, 'An Exclusion Bill division list', B.I.H.R., XXIII (1950), 205-225.
- A. Browning, Thomas Earl of Danby and Duke of Leeds (3 vols., Glasgow, 1951).
- ed. English Historical Documents 1660-1714 (London, 1953).
- J. Carswell, The Descent on England (London, 1969).

- D.P. Carter, 'The Lancashire militia 1660-1688', Transactions of the Historical Society of Lancashire and Cheshire, CXXXII (1983), 155-81.
- J. Casada, 'Dorset politics in the Puritan Revolution', Southern History, IV (1982), 107-22.
- C.D. Chandaman, The English Public Revenue 1660-1688 (Oxford, 1975).
- J.H. Childs, The Army, James II and the Glorious Revolution (Manchester, 1980).
- C. Clay, Public Finance and Private Wealth: The Career of Sir Stephen Fox 1627-1716 (Oxford, 1978).
- R.D. Clifton, The Last Popular Rebellion (Hounslow, 1984).
- J.S. Cockburn, A History of the English Assizes 1558-1714 (Cambridge, 1972).
- A.M. Coleby, The Relationship between Central Government and the Localities: Hampshire 1649-1689 (Cambridge, 1987).
This volume was published too late to be incorporated into the main body of the thesis. Almost all references are made to Doctor Coleby's D.Phil. dissertation.
- J. Collinson, History and Antiquities of the County of Somerset (Bath, 1791).
- The Complete Peerage by G.E.C.
- J. Daniel, A History of Warminster (London, 1879).
- Dictionary of National Biography.
- W. Doel, Twenty Golden Candlesticks! (Trowbridge, 1890).
- Sir G. Duckett, 'The repeal of the Test and Penal statutes by king James II', Wilts. Arch. Mag., XVIII (1879), 359-74.
- P. Earle, Monmouth's Rebels: the Road to Sedgemoor 1685 (London, 1977).
- A. Fletcher, Reform in the Provinces (New Haven, 1986).
- G.C.F. Forster, 'Government in provincial England under the later Stuarts', T.R.H.S., Fifth series, XXXIII (1983).
- M.D. George, 'Elections and electioneering 1679-81', English Historical Review, XLV (1930), 552-78.

- R.H. George, 'Parliamentary elections and electioneering in 1685', T.R.H.S., Fourth series, XIX (1936), 167-195.
- L.K.J. Glassey, Politics and the Appointment of Justices of the Peace 1675-1720 (Oxford, 1979).
- E. Green, Biblotecha Somersetensis (Taunton, 1902).
- I.M. Green, The Re-establishment of the Church of England 1660-1663 (Oxford, 1978).
- K.H.D. Haley, The First Earl of Shaftesbury (Oxford, 1968).
- H.A. Helyar, 'The arrest of colonel William Strode of Barrington in 1661', Somerset Arch. and Nat. Hist. Mag., XXXVII (1891), 15-39.
- B.D. Henning ed., The House of Commons 1660-1690 (London, 1983).
- C. Holmes, Seventeenth Century Lincolnshire (Lincoln, 1980).
- A.L. Humphries, Materials for a History of Wellington (London, 1889).
- J. Hurstfield, 'Local government 1540-1660', in V.C.H. Wiltshire, V, (1957).
- J. Hutchins, The History and Antiquities of the County of Dorset (London, 1861).
- R.E. Hutton, The Restoration (Oxford, 1985).
- J.E. Jackson ed., Wiltshire: The Topographical Collections of John Aubrey (Devizes, 1862).
- P. Jenkins, 'The Old Leaven: Welsh Roundheads after 1660', Historical Journal, XXIV (1981).
- J.R. Jones, The First Whigs: The Politics of the Exclusion Crisis 1679-83 (London, 1970 edn.).
- The Revolution of 1688 in England (London, 1972).
- ed., The Restored Monarchy (London, 1979).
- H.A. Kauffman, Conscientious Cavalier (London, 1962).
- D.R. Lacey, Dissent and Parliamentary Politics in England 1661-1689 (New Brunswick, 1969).
- N. Landau, The Justices of the Peace 1679-1760 (Berkeley, 1983).

- J. Latimer, The Annals of Bristol in the Seventeenth Century (Bristol, 1900).
- B. Little, The Monmouth Episode, (London, 1956).
- A.E.W. Marsh, A History of the Borough and Town of Calne (London, 1903).
- H.C. Maxwell-Lyte, History of Dunster (London, 1909).
- D. Melville-Ross, 'The papers of the former corporation of Langport, Som. Arch. and Nat. Hist. Mag., LIII (1907), 148-73.
- J. Miller, Politics and Popery in England 1660-1688, (Cambridge, 1973).
- 'The militia and the army in the reign of James II', Historical Journal, XVI (1976), 659-679.
- 'The Crown and the borough charters in the reign of Charles II', E.H.R., C (1985), 53-84.
- C.H. Mayo, 'Shaftesbury', D.N.H.A.F.C., XV (1894), 36-51.
- W. Phelps, The History and Antiquities of Somersetshire (London, 1839).
- F.J. Pope 'Dorset Assizes in the Seventeenth Century', D.N.H.A.F.C., XXXIV (1913), 17-30.
- G. Ramsay, The Wiltshire Woollen Industry in the Sixteenth and Seventeenth Centuries, (London, 1943).
- B. Reay, The Quakers in the English Revolution (Hounslow, 1985).
- M.E. Reeves, 'Protestant Nonconformity', in V.C.H. Wiltshire, III (1956), 99-149.
- S.K. Roberts, Recovery and Restoration in an English County: Devon Local Administration 1646-70 (Exeter, 1985).
- 'Initiative and Control: the Devon Quarter Sessions Grand Jury 1649-70', B.I.H.R., LVII (1984), 165-77.
- K. Rogers, The Book of Trowbridge (Trowbridge, 1984).
- J.M. Rosenheim, 'Robert Doughty of Hanworth, a Restoration magistrate', Norfolk Archaeology, XXXVIII (1983), 296-312.
- C.S. Ruddle, 'The Compton census', Wilts. Notes and Queries, II, 539.

- P.R. Seddon, 'The East Retford parliamentary election of 1670', Transactions of the Thoroton Society, LXXXVIII (1984), 42-6.
'The Nottinghamshire Militia and the defence of the Restoration', Trans. Thor. Soc., LXXXVI (1982), 79-88.
- B. Sharp, In Contempt of All Authority: Rural Artisans and Riot in the West of England 1586-1660 (Berkeley, 1980).
- A.R. Stedman, Marlborough and the Upper Kennet Country (Marlborough, 1960).
- J. Sydenham, The History of the Town and County of Poole (Poole, 1839).
- J. Toulmin, History of Taunton (Taunton, 1822).
- D. Underdown, Somerset in the Civil War and Interregnum (Newton Abbot, 1973).
Revel, Riot and Rebellion (Oxford, 1985).
- A. Wall, 'Faction in Local Politics 1580-1620', Wilts. Arch. Mag., LXXII, (1980), 119-133.
- C. Wanklin, Lyme Regis, (London, 1927).
- J. Waylen, A History of Marlborough (London, 1854).
'The Wiltshire compounders', Wilts. Arch. Mag., XXIII (1887), 314-46; XXIV (1889), 303-44.
- A.L. Wedlake, A History of Watchet (Dulverton, 1973).
- J.R. Western, The English Militia in the Eighteenth Century (London, 1965).
Monarchy and Revolution (London, 1972).
- E.A.O. Whiteman, 'The Church of England 1542-1837'', in V.C.H. Wiltshire, III (1956), 28-56.
- J.A. Williams, Catholic Recusancy in Wiltshire 1660-1791 (London, 1968).
'English Catholicism under Charles II', Recusant History, VII (1963).
- H.A. Wyndham, A Family History 1410-1688: the Wyndhams of Norfolk and Somerset (London, 1939).
- b) Unpublished dissertations.

- K.M. Beck, 'Catholic Recusancy and Nonconformity in Devon and Somerset, 1660-1714' (Bristol M.A., 1961).
- P.R. Brindle, 'Politics and Society in Northamptonshire 1649-1714' (Leicester Ph. D., 1983).
- A.M. Coleby, 'Hampshire and the Isle of Wight: the Relationship between Central Government and the Localities 1649-89' (Oxford D. Phil., 1985).
- P. Murrell 'Suffolk: the Political Behaviour of a county and its Parliamentary Boroughs from the Exclusion Crisis to the Accession of the House of Hanover' (Newcastle Ph. D., 1982).
- P.J. Norrey 'Protestant Nonconformity in Wiltshire 1660-1689' (Bristol B.A. dissertation, 1984). Useful for some of the information it presents, but the arguments have been qualified and refined by subsequent research.
- B. Williams 'The Church of England and Protestant Nonconformity in Wiltshire 1645-1665' (Bristol M. litt., 1971). Runs out of steam after the Restoration.
- J.R. Williams 'County and Municipal Government in Cornwall, Devon, Dorset, and Somerset, 1649-60' (Bristol Ph. D., 1981).